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H – 1037

International Court of Justice

H1037-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPROVED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

11 July 1946.

COMMISSIONER:

Mr. George Taylor.

POLITICAL LEADERS

(THE COMMISSION CONVENED AT 1035 HOURS.)

THEO. HUPFAUER, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q What is your name?

A Theo. Hupfauer.

Q Please repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

You may sit down. Is the defense ready for the examination of the witness?

DIRECT EXAMINATION.

DR. KRAUS: I am defense attorney for the Corps of Political Leaders.

THE COMMISSIONER: This is an emergency hearing at the request of Dr. Link. Dr. Link advised that the examination of the witness would

H1037 - 0003

be very short and for that reason this witness was brought over in place of the former witness. We hope that counsel will confine himself to the material evidence of the defense of the organization and be brief. Proceed with your examination Dr. Kraus.

BY DR. KRAUS:

Q The witness is a political leader from the German legal sector. The witness is to give evidence as to the organization of the DAF and the connection of the DAF with the political leaders of the party.

I want to prove that the political leaders of the DAF had nothing to do with the crimes charged by the prosecution to the political leaders. I shall now ask the questions of the witness.

Doctor, your full name?

A Dr. Theodore Hupfauer.

Q When were you born?

A I was born on July 17, 1906 in Dellmensingen.

Q What was your career?

A I went to elementary school a little more than five years. I attended high school for nine years. I studied law in Vietsburg and Luzerne, Switzerland. I was referendar at a Amtsgericht (courthouse) Landgericht (The lowest level of German Judicialism, or district court) Bezirksamt, Landrat (Police Headquarters) and a private attorney.

Q Did you graduate?

A Yes, I did graduate from University and I got my Doctor of Law.

Q After you finished your education, what functions and activities did you pursue?

H1037-0004

A In 1933, approximately in July, my full time paid professional activities started with the DAF. I was employed by the DAF until 1944. I then became the chief of the Central Office in the Reichs Ministry for Armament and War Production.

Q When did you join the NSDAP?

A In October of 1930.

Q Will you tell us why you joined the party?

A The basic reason was the political weakness of the "Weimar" system and the effects which this weakness had on the foreign policy. I saw that myself.

Q Did you participate in any political activities before joining the NSDAP?

A No, not at all.

Q Witness what was your last position in the DAF?

A My last position was that of section chief of the Central Office of the DAF. I was in charge of the Section's Social Self administration.

Q Since when did you fulfill this position?

A I became the chief of that section around 1935 or 1936. I was section chief from 1936 to 1944.

Q Did you, in this position, work immediately with the leiter of the DAF?

A I was immediately subordinate to the leiter of the DAF in a professional respect.

Q Did being the chief of a section within the DAF mean that you

H1037 - 0005



also were the chief of a section within the party?

A No, being chief of a department within the DAF does not necessarily mean being chief in the party.

Q Will you give us a brief outline of the organizational structure of the DAF?

A The regional organization of the DAF is not like that of the party. On the Reichs level, we have the central office; in the Gau level, the Gau administration of the DAF, on the Kreis level, we have the Kreis administration of the DAF and on the Orts level, we have the Orts administration of the DAF. Within the regional structure there are Amts, respectively, main office or offices. An example for the most important are an amt for education training, an amt for public health, an amt for public education and an amt for social proper self administration, then there are proper offices for the care of the factories, for the individual industrial places such as chemistry, etc. Furthermore there are the administration offices for organization, personnel sections, etc.

Q Was the DAF a component part of the NSDAP?

A It was not an essential component, consequently, it was not "gliederung" of the party, but an attached organization and as such it was financially a part of the organization, but as far as personnel was concerned it was not autonomous.

Q What were the connections between the DAF and the political leading authorities of the NSDAP?

H1037-0006

A The main points of connection were that the leiter of the DAF at the same time was the Reichs organization leiter of the party. The Gau manager of the DAF at the same time was Gau Amts lieter of the NSDAP; the kriesleiter was kries amts leiter and the orts manager was the orts amts leiter.

Q The DAF, as such, has not been charged with any crime by the prosecution. The charges pertain to the so-called political leiters, who were the so-called Amtstrager (functionalists) of the DAF Walter.

A No, there function did not make them political leaders, even though it was generaly true of the Gau, Kreis and Orts managers.

Q If I understood you correctly, not all the amts managers at the same time were political leaders?

A That is correct, I am convinced that in the central office, a minor part were political leaders.

Q Just what decided whether the amtsleiter was a political leader or not?

A Becoming a political leader required an application to the party made by the superior to the individual and then the appointment itself.

Q Did it depend upon the functions of the individual?

A A decisive part was played by the functions the individual fulfilled.

Q Could it have happened that of two people who fulfilled the same functions, one was a political leader and the other was not?

A Yes, that was the case in my office too.

Q Consequently, one of them would fall within the charges preferred against the political leaders and the other would not?

H1037-0007

A Yes.

Q Could it have happened that a section chief was not a political leader and one of his subordinates was the political leader.

A Yes, because he was not a political leader on the basis of his function, but a political leader had to be appointed.

Q Were you a political leader?

A Yes.

Q Was this forced on you?

A No.

Q You were especially appointed?

A Yes, I was appointed.

Q Were these appointments automatic ones or did you make a special application in that respect?

A I personally had nothing to do with such applications. The leiter of the DAF makes an application to the party chancellory, which would make the appointment by an order of the official.

Q What was your rank as political leiter?

A I was Hauptdienstleiter.

Q Were you appointed to your position in the DAF because you were a political leiter or did you become a political leiter because you proved yourself in your position in the DAF?

A I became section chief only and solely on the basis of my efficiency.

H1037 – 0008

Q What were your specific duties?

A I was the chief of the section for Soc~~ial~~ Self Administration. This amt deals substantially with the following duties of the DAF, with the organization industries in command of economy, securing the cooperation of employers and employees on questions pertaining to work, this work was provided by way of the work commissions and work chambers, the erection of social contests characterized as an efficiency model of factories, mostly dealing with questions of wages, working hours, accident prevention, labor law, home work, working conditions and similar matters.

Q Who issued your directives pertaining to your work?

A As far as I received any directives at all, they came from the leiter of the DAF.

Q Who was the Leiter of the DAF?

A Dr. Ley.

Q The directives you received from him did you receive in his capacity as leiter of the DAF or as organization leiter?

A In all problems pertaining to my specific work, he presented himself to me as the leiter of the DAF.

Q And to whom did you give your pertient directives?

A I gave them to the central section within the amt, further by way of the Gau managers and I issued them to the corresponding sections in the Gaus.

Q How many departments did you have under you?

A In my Amt. there were three main departments, which in turn had their sections.

Q Were these also occupied by political leiters?

H1037-0009

A Only party.

Q Would you state, on the basis of your personal knowledge and position and your activities over a long period of years, that you are competent to give information pertaining to a large circle of political leiters, for instance all the political leiters in the labor front?

A For eight years, I was the leiter of an important office. Consequently, I am satisfied I can give information regarding the political leiters of the DAF in essential questions.

Q The prosectuion charges the political leiter corps in its entirety and also includes the political leiters of the DAF with participating in a plan of conspiracy, which had for its goal the starting of an aggressive war and in the execution of this, crimes were committed against the rules of humanity, war and war crimes. I ask you did the circle of political leiters which you represent here have any knowledge of these matters?

A I can clearly answer this question by "no." Adolf Hitler outlined the functions of the political leiters of the DAF in November of 1934 and this has never been changed. During all these years the political leiters of the DAF never received any directives that would enable them to act in such a manner. The decree says very briefly that we were to secure labor peace by securing the justified interest of the employers and employees.

Q Do you believe that the political leiters could have been able to become aware of the things charged by the prosecution?

A It was customary to inform the political leiters only about those matters which belonged within their scope of duty and thus, generally the political leiters of the DAF were informed of matters of a political nature.

H1037-0010



Q Consequently, you do not believe that you have omitted anything which would make you guilty in order to find out about such plans?

A In all the years our task was purely a social one, consequently there was no motive on our part to either assume such plans or find out about such plans.

Q Was the so-called corps of political leiters a unified organization with a common aim, which would have been uniformly informed of the plans of the political leadership?

A The concept of the corps of political leiters is not familiar to me in regard to the political leiters of the DAF. Within the DAF generally, one merely spoke of DAF-Walter and there were those who were appointed political leiters and those who were not. There was none of the unification which one finds in an officers corps.

H1037 - 0011



Q Could one join or resign from the so-called Corps of Political Life voluntarily?

A There was no resigning and joining such, as in any other political organization. One was given a function in the Amt, and one was suggested by one's superior for an appointment as political leiter.

Q Did the Amtswalter of the DAF in the Gau/level and the Gauleiter participate in the regular meetings of the Hoheitstraeger?

A I can answer definitely only in pertaining to the ~~Reichs~~ Kreis level. The only regular conference of the Amtsleiter of the German Labor front were with the Leiter of the DAF. The Political Leiters of the Central Offices never participated in regular conferences of the Party Chancellery, which is the competent authority for the Reichsleiter. Individual Amtsleiters were called into these conferences, if deemed the discussions were pertinent to their special duties. The Amtsleiter of the DAF as such did not participate in Reichs meetings, or Gau meetings. As far as the Gauleiters is concerned, I can say that insofar as the regular conferences that took place with the Gauleiters, only the Gau-manager of the DAF, or his deputy participated.

Q Did the Amtswalter of the DAF receive any directives pertaining to their duties from the Hoheitstraeger?

A Yes, I received my professional directives exclusively from the Leiter of the DAF.

Q Witness, did you, or the large circle of political leiters, which you represent here, ever consider the moral preparation for war a part of your duties, or your duty?

A The political leiters of my professional circles neither considered

H1037 - 0012

this our task nor did they receive any such directives. This also applies to myself.

Q Were you informed in conference, or by secret orders of things like that with your faculties leaning in such direction?

A No.

Q Did you inform the Leiters subordinate to you in this direction?

A No.

Q Is the Party program an important basis for their charges? I ask you, were you and the circle of Political Leiters which you represent conscious that the points one, two and three of the Party program, that is advanced for the union- built Germany on the basis of right or self-determination, demanded equality and consideration of the peace treaty of Versailles and Saint Germaine, the demands of colonies that points to domination of foreign peoples?

A I had never heard and neither have I seen anything in the Reich which interpreted the Party program that way.

Q And were the Political Leiters generally aware that these goals were to be achieved if necessary by force, or even by war?

A Certainly the Political Leiters of the DAF never received such a directive.

Q How did you think these three points were to be realized?

A I was convinced that Hitler and his first assistants were to do everything to achieve their particular points by way of discussion and conferences.

Q Did you and the circle of people, or individuals through consent, believed that the repeated assurances of peace by Hitler, and of other

H1037 - 0013

parties were true and considered them as he said they were?

A Peace was the sine qua non for the fulfillment of the social duties which were put to the DAF Leiter,that not only believed in the assurance of peace gladly,but that even assented to them,and we had every cause to believe that. It was just about in 1939, that is to say, shortly before the object of the war that that authority or solution of the problems which were of an authoritative peaceful character took place. May I give a few examples. In the summer of 1939 in Hamburg we had the DAF with a clear task to secure and to affirm elections with the labor or other peoples by the institution of the "Strength through joy" program. It was in this period that we had received the clear order to realize the Party program, I believe, was point fifteen, which required the pensioning in a large scale old age pension program for the German nation. The Political Leiter of the organization "Strength through joy" received from Dr. Ley a task around this period to organize a mass visit of German workers at the Olympia. Furthermore, we considered the pact with the Soviet Union the clarification of the most dangerous and strongest point of tension.

Q In Europe what was the purpose of the people's army, and the reproduction of the draft or conscription?

A I can only repeat here what was told to you. They said that by making the nation Wehrhaftmung, it would insure the defense.

Q Did the Political Leiters in your circle of activity become clear that doing away with Parliamentary procedure in Germany served the sole purposes of eliminating people and state by the NSDAP, conscious of preparation of war, and to commit crime against peace and humanity?

A No. They did not have an objective, or positive memory of the

12

H1037 - 0014

Parliaments before 1933. There was no reason to believe that the Parliament would be later, because one of the Party points demanded precisely the creation of an authoritarian Parliament.

Q Were the Political Leiters aware that for the same reason, that in order to prepare for the aggressive war protective custody and concentration camps were introduced?

A No.

MR. TAYLOR: Let's take a ten minute recess.

(Recess)

MR TAYLOR: Proceed with the examination.

BY DR. KRAUS:

Q I refer to my last question which dealt with concentration camps. How far did the circle of Political Leiters you represented deal with the question of concentration camps, and of the knowledge ~~xxxxxxx~~ that they have of these camps?

A The Political Leiters of the DAF had no authority or executive power as to these methods, therefore, in their capacity as Political Leiters of the DAF had no power to take any executive measurements along this line. As to how far they had knowledge of these things I can not state as to all Political Leiters, but only as far as I myself am concerned.

Q Did you in your capacity as Political Leiter have more knowledge of these things then the average German who merely knew that there existed a certain number of them?

~~Xxx In xhis xrespect~~

COLONEL GRIFFITH-JONES: I think in this respect that is the most unimportant question I have heard here, and immaterial. In any

H1037 - 0015

event this witness's personal knowledge is admissible, and for the defense counsel to attempt to get in evidence of this kind as to the witness's knowledge of other Germans is not admissible, and in that respect most important.

MR TAYLOR: Read the question. (Whereupon the question was read) I think that question is improperly put to the witness. I do not believe that the witness is really qualified to answer that as to knowledge of other persons, and, I do not believe that the question is material. I think that is irrelevant. You are not stating the defense of the organization. The objection is sustained.

DR. KRAUS: May I in my capacity as defense counsel take a position as to the objection?

MR. TAYLOR: Yes, you may have an exception.

BY DR. KRAUS:

Q The Political Leiters in general have been charged in the accusation with the question of concentration camps in general. It is, therefore, absolutely necessary, too, that the defense takes a position as to the responsibility of all the Political Leiters, and especially of the circle of Political Leiters as represented by the present witness.

MR. TAYLOR: Dr. Kraus, don't you think that the witness has in general made a clear cut general denial of any participation in any of the crimes that are charged in the indictment.

DR. KRAUS: Well, for the production, therefore, of the evidence it will be sufficient if the witness states by very short answer that they have nothing to do with those crimes, but such an answer should be made possible by allowing my question.

H1037 - 0016

MR. TAYLOR: I don't think your question is proper for the record, but go ahead and answer the question without a lot of detailed explanations.

BY DR. KRAUS:

Q I repeat the question. Had the Political Leiters, and the circle of Political Leiters you represent more knowledge of the advance in concentration camps than the average German in general?

MR. TAYLOR: You may answer that.

THE WITNESS: The Political Leiters had no other information as to the question of concentration camps than the whole public opinion. They had no authority and no orders with regard to this question.

BY DR. KRAUS:

Q Were the Political Leiters in your period of activity aware of the fact that the amalgamation of Jewish influence in the economic deal was only how to prepare a war?

A I don't know how far the domination of the Jewish influence in the German economy could be considered as preparation for war, and I think that is an opinion which I can give on behalf of all the Political Leiters, too.

H1037-0017

Q. Did the group of which you represent have any kind of knowledge for plans of definite solution of Jewish problems by physical extermination in extermination camps?

A. I may here refer to my personal knowledge, and I have to state and it is only by what has been caused by the reports of the Nurnberg trials that I have had knowledge of such ~~extermination~~ terms as extermination camps and final solution ofJewish problems.

MR. TAYLOR: Dr. Kraus, if you have talked with the witness as to his knowledge and information concerning these questions, then may I ask you ~~him~~ to not ask these questions any more, because he has stated that he doesn't know anything about them personally. Now you know, Dr. Kraus, whether or not your witness personally knows the answers to the question and has the information. He says he has only learned of these matters since the Nurnberg trials. You are wasting time by doing that.

DR. KRAUS: It seems to, however, to be relevant that the Tribunal know of these facts. It is not sufficient if I have knowledge of them, and the Tribunal has to be informed of these things.

MR. TAYLOR: But your witness says he has only learned of these facts from the Nurnberg trials; therefore, that is hearsay testimony - he knows nothing about it himself. Let's confine your evidence to the issue and defense of your organization,doctor, rather than have hearsay testimony. Let's proceed - we are wasting more time by ~~ag~~ arguing over these objections than we are getting evidence.

Q. Have the Political Leaders in one way or the other had any common responsibility for the events of November 1938?

COL. JONES: I suggest that all these questions be answered yes or no. We are wasting hours, apart from relevancy of these things, by listening to

H1037 - 0018

the witness repeating the question every time one is asked. That last question can be easily answered yes or no.

THE WITNESS: I have only asked what the question was.

MR. TAYLOR: Repeat the question to the witness.

(The German court reporter repeated the question)

A. No.

Q. Had the Political Leader anything to do with the turning over to Aryans of Jewish property?

A. No.

Q. Witness, the prosecution has submitted the document, D-75. This document is a letter from the Chief of the Party Chancellory to the Gauleiters. It is headlined - National Socialism and Christianity. In this document there is a passage saying "as well as the bad influence of astrologists, fortune tellers, and other cheats has to be eliminated - the church has to be entirely eliminated too.". I ask you - had the Political Leaders of your area of activities any information by way of conferences or other ways of these plans?

A. In the circle of the Political Leaders of the DAF, we had only one principle, and that was let everybody be happy according to his principles. There are Political Leaders which were my fellow workers and who had all the different confessions as Catholic, Protestant, and Goffglaubige.

MR. TAYLOR: Dr. Kraus, from that answer the Commission takes it that this witness has made a completely general denial of the activities of his organization and denied any part in any of the crimes alleged in the indictment. The witness has testifed to the fact that his organization which he represents, was merely a social activity, and in fairness to the other organizations and the rest of the Political Leader witnesses, it is necessary that we confine the examination of this witness to those points which have not been covered;

H1037 - 0019

otherwise you are taking advantage of the other attornies and the other witnesses that should appear before this Commission. The Commission is going to hold that the cross examination of this witness will start at 2 o'clock, so I do hope you finish by 1 o'clock. Proceed with the further examination of the witness, Dr. Kraus.

Q. Were the Political Leaders aware of the fact that the dissolving of the trade unions were meant to bring about a preparation of War, and to eliminate all free opinion of the worker?

A. There was no reason for thinking that.

Q. Is it possible to state that the DAF was forced on German labor?

A. The DAF has been created at a moment when the Betriebszellenorganisation had already three million members. In 1933, the trade unisons had decreasing amount of members, because of the great number of unemployed, and it may be said that the DAF has taken over about five million workers from the trade unions.

Q. Have the financial claims of the members of the trade unions been maintained later within the frame of the DAF?

A. The Chief of the DAF has declared in the presence of his fellow workers and of public opinion that the gained advantages and legal claims of the workers had to be maintained in all events - meaning that the DAF took over the payment to the invalid, incapacitated, insurance and old age insurance.

Q. Witness, please answer in very short way to the next question. Have only the organizations of employees been taken into consideration at the dissolving of the trade unions or were the organizations of the employers considered too?

A. The organizations of the employers were considered too.

Q. Was there any disadvantage for labor deriving from the later coordination of employees and employers associations?

A. This was not a disadvantage - I can prove on the contrary that it was an advantage.

H1037 - 0020

Q. Has the creation of the German labor front strengthened or weakened the influence of labor within the State?

A. The fact of putting all those labor organizations together in one great labor front gave this front very great power with regard to both the State and economy.

Q. Along with other charges the prosecution makes the Corps of Political Leaders responsible for the mass deportations, and for what is called the indignant treatment. In how far did the Political Leaders deal with the selection and transportation to Germany of foreign workers?

A. The Political Leaders of the DAF had nothing to do with neither recruiting nor transporting into Germany of these foreign workers.

Q. In how far did the Political Leaders of the DAF deal with those questions of foreign workers at all?

A. It was voluntary that the DAF has taken charge of these foreign workers when the first foreign workers came to Germany - they were Italians, Czechs, and Slovaks - in 1938.

Q. In what manner did you deal with those workers?

A. May I quote some examples.

Q. Yes.

A. The DAF had control of the camps as far as food and accommodations were concerned. They organized professional instructions ~~xxxxxxxxx~~ centers and readaptation centers. In these camps they had lectures for cooks. They helped these professional organizations with regard to the transferring of the wages into the home country and helped those centers with regard to sports and cultural events. In the beginning the DAF had camps for themselves, but as time went on, these camps have been handed over to other organizations, and they were only mere professional camps that remained.

H1037 - 0021

Q. Were there other conditions for foreign labor than there were for the German labor?

A. In the beginning of the Arbeitseinsatz (labor assignments) by the State, the Government has informed the factories that according to treaties between the different States, foreign labor should be employed under the same conditions as German labor. It was a consequence of these treaties that the achievements which were to be made in those factories were a part of the labor conditions too.

Q. The prosecution states that the foreign laborer has been systematically neglected as far as food and accommodations were concerned, and that furthermore that there had even been ill treatments of physical character. Can you, because of your important position in the DAF, give an opinion as to this question?

A. I have no knowledge of any verbal or written information handed out by the leader of the DAF, and according to which there were orders for an ill treatment or bad treatment of foreign laborers. It is certain that a good treatment is the first primary condition for any effort.

Q. The prosecution has submitted document U.S.A. 202, which consists of an affidavit by Dr. Jager. In this document it is stated that the conditions, especially in the rural territory and in Essen, were insufficient with regard to food and accommodation. Can you, by your own observations, give a view of the conditions, especially in Essen, and in the rural area?

A. In July or towards July 1933, at the beginning of this strong bombing of this area, I was ordered to take a part in the battered factory area. It was my difficult task and duty to maintain the factory output in spite of the bombing. The difficulties increased from one month to the other, and we had to make all the possible efforts in order to have the industry in those areas not simply to break down. It was one of my most difficult tasks to prevent the moving of labor which was very dangerous for the economic situation. In this line

H1037 - 0022

the primary tasks were first of all the feeding of the laborers and then the housing. I may say that the securing of food has always entirely succeeded in spite of the great difficulties. I have ordered myself the construction of six food trains and of several movable kitchen units. After every attack of this area of the rural territory, I have been myself in the factory I was assigned to, and I have seen it that on the next morning already during the general cleaning up it was seen that the food was provided for. Furthermore, I had from one factory to another organized neighborly food aid - that means that if the kitchen of one factory were bombed, the kitchens of the other factories would come to the rescue. It was, of course, a point of attraction for the workers that they were aware that even in the event of bomboing there was good food organization within the factory. I may state as a very great success that while at the beginning of my activity, after each attack, 40 to 45% of the workers were lacking - even in 1944 during the strongest bombing attack - this figure reduced to 15 - 12 or even 10%.

Q. Will you tell us what you know about the number of calories and clothing of these foreign workers in the area that you have been in and so severely damaged by bombinh?

A. In this task which was a part of my work down there, not only the German workers, but the foreign workers which were a large part of the labor down there, have taken an active part. The number of calories which were distributed by this special help was, of course, strongly above the number of calories given to each German by the Russian Cards. The most difficult task was the housing problem, because, of course, with every attack 100 and 1000 flats which were situated around the factories or traffic centers were smashed.

MR. TAYLOR: Doctor, the witness is not responding to your questions. He is talking about something else. You didn't ask him that

21

H1037 - 0023

question. You ask him about calories and he is talking about housing and bombing and everything else.

Q. Witness, it has been stated here that the habitants of the foreign labor were infected and that the number of calories was only 1000, is that correct?

A. Even during the War, I have no knowledge of an official rate of calories of 1000 - neither for Germans nor foreigners. If there are reports of unhealthy housing conditions, the factory was immediately ordered to do something about it, because we needed healthy people for the work.

Q. Witness, is it possible at all to consider the conditions at the factory, Krupp in Essen, as conditions to be taken for an average?

A. The town of Essen, and the Krupp factory have been one of the most bombed areas, and it is therefore scarcely possible to take this area as an average for Germany.

Q. If I understand the conditions in this area were largely based on War facts?

A. The conditions of work and the living conditions in this area were extremely difficult.

Q. I want to conclude with two more questions. Is it correct that even in the highest command office of the Party and State there could be seen again and again there was no unanimity with regard to the aims and directives of the State?

A. It is a fact which has to be deplored.

Q. Can you give examples?

A. At this moment, I cannot give but one example. It dealt withthe question of the integration of younger members into the Party. With regard to this question, two Reich leaders, Bormann and Ley, have handed out dif-

H1037 - 0024

ferent directived to their subordinates. Ley called for using the way os selection of these young Party members through the Adolph Hitler Ordeusburgen, while Bormann was of the opinion that one should not use schools, but just select those young members from the mass of the population.

Q. Have you had knowledge of a principle fuehrer decree of the year 1940, according to which nobody was to be told of anything which should be kept secret, unless he should have knowledge of these things, because they are not in his field of activities, and that even then he should be told only what was indispensible for the fulfillment of his task?

A. Twice I had to inform all my fellow workers of this Fuehrer decree, and everyone had to sign that he had been informed of this decree. Furthermore this specific Fuehrer decree was posted up in many offices.

MR. TAYLOR: The Commission will adjourn until 2 o'clock.

Adjourned: 1304 hours

H1037 - 0025

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

11 July 1946

COMMISSIONER: Geo R Taylor

POLITICAL LEADERS - DAF

(The Commission convened at 1410 hours)

DR. HUPFAUER, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Dr. Krauss, you have no further questions?

BY DR. KRAUSS:

At this time, I have no further requests.

BY THE COMMISSIONER:

Remind the witness that he is still under oath. (witness reminded)

CROSS EXAMINATION

BY COL. GRIFFITH-JONES:

Q. You told that there was a DAF leader on the Staff of each Gau Leader, Kreis Lea der, and Ortsgruppen Leader?

A. Yes, the so-called Betriebsobman of the DAF.

Q. Was it his duty to assist the Gau Leader, Kreis Leader, and Orts-gruppen Leader in those matters with which he was concerned in the DAF?

A. He was the adviser of the Gau Leader regarding all problems pertaining to the DAF.

Q. You have told us also that the DAF were responsible for the care of foreign workers employed in industry?

A. It assisted the factory management in measures pertaining to the care of foreign workers. The agency directly responsible for that care is the factory itself.

H1037 - 0026

Q. Let us be quite clear about this. I have before me an order issued by Sauckel in May 1942, the number is PS 3044, U. S.206, laying down directives for the care, lodging and treatment of foreign workers of both sexes. Do you remember the order?

A. No, I do not recall it.

Q. Let me just quote to you, ~~paxxa~~ paragraph six of that directive lays it down: The care of foreign workers employed in the Reich (a) by the German Reich Food Administration in the case of farm workers and (b) by the German Workers Front in the case of non-farm workers. And again in the following paragraph Sauckel decrees that all foreign non-farm workers regardless of who maintains the camps will be taken care of by ~~mobilization administration~~ are to give support to the German Workers Front. I take it that reflects the responsible agency?

A. It has taken over the care of these people. However, this means that it assists the factory in that manner. It does not mean that the DAF had the authority to put down the amount of wages received or working hours.

Q. In that same order it says:
"That in all German Gaus the Gau leader will have the right of inspection and control over the execution of these orders." That is correct?

A. That is true of the labor front, but at the time that Sauckel's was appointed plenipotentiary for the employment of labor, in order to be particularly effective himself he had asked the Gau leader over the chancellor to pay attention to these matters and to assist him. I do not know whether he had the Gau leader do it in the capacity of, that is to say whether it was in a State or leader capacity.

Q. I just want to ask you how the Gau leader and the Reich leader carried out that duty? Will you look at Document D-313, U. S. 301, in

H1037-0027

that you will see affidavit sworn to by a political doctor who was looking after a section of Polish prisoners of War working in the Krupp factory. You see about five lines down he personally visited the Russian PW camp in the Raumastrasse in Essen.

A. May I say that he is talking about Russian and French Prisoners of War and that the DAF had nothing to do with Prisoners of War.

Q. You say that the DAF, for example in Essen, had nothing to do with Prisoners of War who were employed side by side with foreign workers in factories?

A. The Prisoners of War never lived together ~~kixxxxxxxxxx~~ with the foreign workers. The German Labor Front had no competency as far as Prisoners of War were concerned.

Q. We will not pursue that document further. Let me show you a photograph of some of the houses in Krupp factories where foreign laborers were working or ra ther housed.

A. I do not know these barracks of my own knowledge, but I do know foreign workers were sheltered in wooden or brick barracks.

Q. You will see that these barracks are right in the center of the Krupp factory, are they not? You can see the crane almost over the roof.

A. I do not know whether these were the Krupp works, but most of these barracks were built in the vicinity of the works so as not to disturb the traffic.

Q. I only made that point to emphasize that everybody in Krupp and the DAF group must have known of the conditions under which they were living, mustn't they?

A. Krupp for this purpose of course had its camp leaders, but the special commanders of the camps and officers for these barracks would have

56

H1037-0028

to pay attention to these matters. If this picture is to prove that foreign workers were always sheltered within the precints of the factory

Q. Perhaps you will just confine yourself to answering my questions. You see a little tin box outside these buildings. I will show you a clearer picture of that. That was their punishment cell; that was the place where foreign laborers employed in the Krupp works were locked up as a punishment?

BY DR. KRAUSS:

I have a question.

BY COL. GRIFFITH-JONES:

Not at the moment.

BY THE COMMISSIONER:

If you have an objection, Dr. Krauss.

BY DR. KRAUSS:

I object, I would like to know if the document has been submitted?

BY COL. GRIFFITH-JONES:

The document has been submitted. It is D 382, U. S. 897.

Q. Witness, do you call that a very humane method of p unishing workers?

A. No. If a political leader of the German Labor Front had ever seen anything like that he would have stopped it.

Q. But if a political leader of the Labor Front was doing his job, he was bound to see those cells outside of the huts of the Krupp Factory?

A. If he had ever seen those barracks he, of course, has seen the cells, but during war time we did not have hundreds of gau workers, we had just a few.

37

H1037-0029

Q. Let me just read from an affidavit, D 382, U. S. 897, which is an affidavit signed by a number of workmen who were working of course. You see it says, I read:" Frequently even 2 or 3 people were pressed into one compartment. A Russian woman who was seven months pregnant had been pressed into the cupboard in a bestial manner. There were a few sieve-like air holes through which cold water was poured on the unfortunate victims during the ice cold winter." If that sort of thing was happening frequently in the midst of the Krupp factory, the DAF kries leader must have known about it, mustn't he?

(At this point the witness started to shout and gesticulate.)

BY COL. GRIFFITH-JONES:

Please keep your temper. There is no use your getting angry with me, this is what your people were doing, not us.

A. All I say is this. If that has exactly happened, it contradicts the explicit directives of the DAF. If the DAF would have known of it, the individual responsible would have been reported to the criminal courts.

Q. We will deal with all that later. Will you look at the last paragraph. That is one of the men who swore to the affidavit:

"Personally saw how 3 Russian civilian workers were locked into the cupboard (two in one compartment), afther they had first been beaten on New Year's night 1945. Two of the Russians had to stay the whole of the New Year's night locked into the cupboard and cold water was poured over them as well." Just take this (handed witness a steel pipe). That was what the Russian civilian workers were being beaten with. Do you think that the DAF leader in Krupp factory was unaware that Russian civilian workers were being locked up in these cells and being beaten with these steel pipes?

28

H1037 - 0030

A. I do not believe he knew it. The competent office of the DAF, which was the AMT Employment, contained a so-called camp leader warning card index. Every one who had abused his job in connection with the employment of labor was entered in there. So that such a man was never permitted to come in contact with Foreign labor anymore.

Q. How can you say that the DAF leader did not know what was going on in the Krupp works where 20,000 slave workers were employed?

A. I am convinced that he did not know of that, otherwise he would have taken steps on the basis of his directives.

Q. Let me just refer you back to another paragraph in Sauckel's order of May 1942: "The special regulations concerning the treatment of foreign workers will remain unchanged." Were there special provisions for the treatment of Russian workers as a group?

A. No; there were decrees which were generally valid.

Q. You do not think this was some of the special provisions that were made to apply to the treatment of Russians?

A. The directives which the political leader of the Labor Front had received pertaining to the treatment of foreign labor were essentially that a just treatment would bring about the greatest efficiency by all those laborers. One can not achieve production by unjust treatment.

Q. One thing is question/ed, that treatment had nothing to do with the air raids?

A. It has nothing to do with the air raids.

Q. Or was it by chance the means you employed when the air raids got bad to maintain your production?

H1037-0031

A. No, that would have achieved the opposite. That would have caused the workers to escape. We did not have the men to keep them there.

Q. The men who were in charge of the Krupp factory didn't think it was the wrong way to treat them?

A. I do not know.

Q. What is the KVD?

A. That is the German Insurance Doctor's Association.

Q. Had the doctors got a representative on the Gau, Kreis, and Ortsgruppen Leaders staff?

A. I do not remember the title, but there was a Gau physician's leader.

Q. Will you look at Document 366; now you see that is one of your own documents. Here is the original. That is a letter signed by Dr. Yaeger who describes himself as the Krupp Works doctor.

A. The doctor is not an employee of the DAF. He is either an independent physician or he is employed by the factory.

Q. That may be so, but I am just asking you some general questions. That letter is addressed to Gau leader Dr. Heinz. Who would that be? What sort of Gau leader?

A. It is not the AMTs leader of the DAF because that is Dr. Sturm.

Q. I am just asking you for my information. What kind of Gau leader was Dr. Heinz?

A. Since the distributing key read KVD, that is probably the physician's leader. The men on the highest level were subordinates to the National Health Leader Dr. Conti.

H1037 - 0032

Dr. Hupfauer

Q. That letter you see is a letter of protest of the appalling conditions, particularly medical, at Camp Dorston. I suppose that has nothing to do with the DAF, has it?

A. I can not find out that. In any case this statement itself does not mention the DAF. I do not know the persons, with the exception of Mr. Ihn, and this was one of the members of the Krupp factory.

Q. Rabenhorst Camp is still not ready. That is a foreign laborers camp, isn't it and the DAF was responsible for it?

A. The hospital barrack was supposed to be erected by the company and the DAF had to be informed and was to assist them.

Q. That letter was written on the 18th August 1944?

A. That originates from 1944 which is the time of the bombing attacks.

Q. Will you look on to the next document in your file, I do not know what your number would be?

H1037-0033

DR HUPFAUER - Continuing

CROSS-EXAMINATION - Continued

COMMISSIONER:

GEORGE R. TAYLOR

COL GRIFFITH-JONES:

Q Willyou look on to the next document - the next document in your file. (And to the Commissioner:) I put that document in, but I do not know what number it would be.

THE COMMISSIONER:

That document is to be marked Organizations No. 18.

COL GRIFFITH-JONES:

Q You see this document No. D-338. You see this also is addressed to the Gauamtleiter. Let us just see what it says:

It is dated 28 July 1944. "The sick bay hut in Rabenhorst Camp is in such a bad state that one cannot speak of a sick bay hut any more. The rain leaks through everywhere. The housing of the sick is therefore impossible. The labor supply is thereby greatly endangered, because those persons who are ill cannot get well again. The hut must be roofed over as quickly as possible.*****"

Aught not your DAF leiter have made himself acquainted with the conditions under which the foreign laborers

H1037 - 0034

were working in Rabenhorst Camp, or living in Rabenhorst Camp?

A During this period we had to reconstruct and almost rebuild completely these camps in the Krupp factory and all other camps. We had to assist Krupp in this purpose. Several thousands of "Organization Todt" members were put at the disposal of Krupp constantly. We have done the humanly possible in this business of reconstruction. In regard to construction it may have been and probably was that other camps which were damaged worse were taken care of first. It is interesting to see that in August Dr Jaeger states that there is no sick bay, whereas in July he asks for repair. And he expressly said there is no danger of epidemics. And this document, too, does not say anything about the DAF and does not indicate that Dr. Jaeger was contacting the DAF.

Q But it is the duty of the DAF, isn't it, to look after the care of the foreign workers?

A Somewhere there is a limit to the work of human beings. And that happened very frequently during the bombing attacks in the center of Essen. I must ask, therefore, that the situation at Krupp may not be construed typical of the work of the DAF in the entire Ruhr.

H1037 -0035

Q On what date did the bombing of the hut really affect the conditions of of the workers?

A The bombardment started really in 1942, and with the great attack on Cologne they started vehemently in June or June 1943.

Q What date in 1942 did they start?

A I cannot recall.

I was detached to the Ruhr area because of the exceedingly difficult situation in order that I may assist the local authorities there.

Q Did you know of Mr. Prior of the DAF?

A Perhaps if you will give me his office?

Q No -- except that he was in the DAF. ... Yes, of course, 61 Steubenstrasser.

A I don't know him personally.

Q I want you to discuss with me a matter which does affect the DAF. Would you look on at Document D-361, which is US 893. Before we go on ~~xikkxthe~~ that second document which I put in, will become Organization No. 19. That is D-338. We will read it in a moment.

Now, witness, that is a letter signed by Mr. Soarleng, office chief of the Local Construction Works, and it is dated the 25th of February 1942. Air raids had not made very much difference in 1942, had they?

A No, I do not believe the bombardments were

H1037 - 0036

very severe in 1942.

Q I shall ask you to read this document with me. (Holding document in hand). Mr. Soarleng writes: I received the inclosed letter on the 18th of this month from German Labor Front (sent to my private address) inviting me to the office of the German Labor Front at 61 Steubenstr., Room No. 20, for Friday the 20th of this month."

I don't think we need go any further with that paragraph. He apparently went on that, and before he describes the interview which took place he sets out the story which had given rise to it. He sais:

"The following event provided the cause of this conversation, which Herr Prior carried on in a very lively manner and which lasted about a half an hour."

"On the 16th inst., 23 Russian PWs were assigned to No. 23 Boiler Shop. The people came in the morning without bread and tools. During both breaks the PWs crept up to the German workers and begged for bread, pitifully pointing out their hunger. At the first midday the works had the opportunity of distributing the food which remained over from the French PWs, amongst the Russians. In order to alleviate these conditions I went to the Weidkamp kitchen on the 17th on instructions from Herr Theile and talked to the head of the kitchen, Fraulein Block, about the provision of the midday meal.

H1037 - 0037

Fraulein Block promised me the food immediately and also loaned me the 22 sets of eating utensils which I asked for.

"At the same time I asked Fraulein Block to give any food left over by the 800 Dutchmen messing there, to our Russian PWs at midday till further notice. Fraulein Block promised to do this too and the following midday she sent down a container of milk soup, as an extra. The following midday the ration was short in quantity. Since a few Russians had collapsed already I telephoned Fraulein Block and asked for an increase in the food as the special ration had ceased from the second day onwards. As my telephone conversation was unsuccessful I again visited Fraulein Block personally. Fraulein Block refused in a very abrupt manner to give any other special ration."

I will read on now with part of the letter which describes the interview which took place with those three gentlemen of the Labor Front concerning ~~xxxxx xxxxxxxx~~n that incident which he has already described. Perhaps you will follow it in the latter. (And the witness takes the letter and looks on.)

Now, regarding the discussion in ~~xxx~~ detail, it is clear two other gentlemen of the DAF and Fraulein Block, head of the Weidkamp Kitchen, were present in the room. "Herr Prior commenced and

H1037 - 0038

accused me, gesticulating in a very insulting manner, saying I had taken the part of the Bolshevists in too apparent a way. He referred to the Law paragraphs of the Reich government which spoke against it. I was unfortunately not caring of the legal position, otherwise I would have left the confidence room immediately. I then tried to make it clear to Herr Prior, with special emphasis, that the Russian PWs were assigned to us as workers and not as Bolshevists. The people were starving and were not in a position to perform the heavy work with us in boiler making, which they were supposed to do. Sick people were a liability to us and not a help to production. This remark Herr Prior stated that if one was worth nothing, then
that the Bolsheviks were soulless people and if one hundred thousand of them die, another hundred thousand would replace them. On my remarking that with such a coming and going we would not attain our goal, namely, the delivery of locomotives to the railways which the Reich were continually cutting down the time limit, Herr Prior said "Deliveries are only of secondary importance here.

"My attempts to get Herr Prior to extend our economic needs were not successful. In conclusion I can only say that, as a German, I knew our relations to the Russian PWs exactly and in the a/m case I dealt only

H1037 - 0039

on behalf of my superiors and in thesense of the increase in production which is demanded from us."

Now, the first question I want to ask about that, is this: If prisoners of war were no concern of the DAF why should Herr Prior and other gentlement of the DAF in Essen be making a fuss about the food that they were receiving? You told me the DAF had nothing to do with the prisoners of war a minute ago.

A I shall stick to this answer. If in the case of Essen these gentlemen did bother about prisoners of war they did exceed their authority. Mr. Prosecutor, I should like to point out the sentence in the document, in which these people refer not to directives from the Labor Front, but to directives from the Reich government.

Q This is the DAF in Essen who are objecting to one of the Works managements in Krupp tring to raise a little more food for the starving Russian prisoners of war.

A If these people have bothered about the PWS they have transgressed - have exceeded their authority; and secondly, directives from the Central office are different ones.

Q You say "if these people had bothered"... Perhaps you don't realize the original of this document was found in Essen, it is one of your German documents, there is no "if" about this question.

A I do not doubt the document, but it is customary

H1037 - 0040

to listen to the other side.

Q Secondly, can you explain to me how a member of your Labor Front with two others in attendance should refer to the Bolshevists as a soulless people, and if one hundred thousand of them die, another one hundred thousand will replace them?

A I cannot take a position toward the private statements of a DAF leiter.

Q These are not private statements. These are three representatives of the DAF acting in their official capacity, and I want you to tell me what they mean by saying that.

A I don't know what they mean by it, I don't know what someone else means by it.

Q You told us, you know, that the people working in Germany had more food, more calories, than even the ordinary workers.

A What I did testify to was that the one thousand calories was not extant during the war, was off the ration.

Q That does not sound, does it, that they were ~~xxxxxx~~ getting their official ration: "The people were starving and were in no position to perform their work of boiler making, which they were supposed to do.

A I do not say that it is possible. In such a great organization there always could be found a social

H1037-0041

element. The decisive factor, however, in judging the political leiter of the German Arbeits Front are the directives emanating from the competent authorities which directed not such treatment but just treatment.

Q The decisive factors are the way in which the DAF carried their work out, in the way of letters of this kind, was it not - where DAF men called Bolshevist men soulless people; that if one hundred thousand die another hundred thousand will take their place. That is decisive, is it not, in finding out how the DAF carried out their tasks?

A That is a statement by one of ten thousand of the DAF leiters.

Q It's a DAF leiter who happens to be in charge of a mere twenty thousand slave laborers.

A Mr. Prosecutor, you are in error. This is not the employment of the Krupp Work, but only one, Engineer's factory. May I ask something?

Q Yes.

A All the directives pertaining to the treatment of foreign workers emanating from the DAF are put together in booklet form which is called "Lagerfuehrer Sonderdienst". I am sure that the humane treatment is demanded again and again for reasons of the humanness as well as for efficiency reasons.

Q Well, we will leave that particular incident

H1037 - 0042

because you say that it was only that that was an exceptional case, by which your leadership witnesses have so many examples. I want to ask you about another document.

You will remember that it was the Gauleiter who was responsible for the inspection and control of Sauckel's orders for the dealing with the care and treatment of foreign workers. Now, you see that that document PS-205, which you have in front of you. That is a Party Chancery order issued to all Gauleiters, Kreisleiters, and Ortsgruppenleiters, in May of 1943. Will you look -- and you will see that there are paragraphs numbered 1 and 2, and then further down there are another paragraphs 1 and 2. I want you to look at the second one, that is not numbered, you will see that Bormann has found it necessary in 1943 to write around to all those political leaders saying injustices, insults, trickery, mistreatment, must be discontinued. Punishment of beatings is forbidden. If it was only in the Krupp Works at Essen that foreign laborers were being insulted, and tricked, and mistreated, and beaten, ~~xxxxxx~~ it would not have been necessary, would it, to write around to all Gauleiters, Kreisleiters, and Ortsgruppenleiters in Germany?

A I said, Mr. Prosecutor, that every organization contains some bad individuals. I do not deny that some

H1037 - 0043

political leiters may have committed excesses. The leadership, however, was interested in removing every mistreatment, every unjust treatment. It is necessary if we consider the possible failures of mankind to again and again recall to them their obligations. We have one organization who shows us that such admonishments are very effective, and to demonstrate such -- the church which preaches again and again.

Q Yes, but you know the church doesn't find it necessary to write around or to preach that beatings, mistreatment, and trickery must be discontinued. Don't you think that it is remarkable in this twentieth century that political leaders of Germany should require such instructions as that being sent around?

A Due to the tension between national socialism and bolshevism it is quite possible that some leithers were moved to excesses, but all the directives of the leadership require just treatment and came out against such cases. May I point out to you the reaction of foreign labor? They were very efficient, they aided in cases of bombings and fire damage, they produced well, there was practically no sabotage and a great part of them are still today inside Germany.

COL GRIFFITH-JONES: No further questions.

THE COMMISSIONER: Any further questions?

H1037 - 0044

BY COL ORLOV:

Q Are you acquainted with Hitler's "Mein Kampf"?

A Yes.

Q Did you agree that Hitler wanted to realize the task which he has outlined in his book?

A Not in all points.

Q But to a large part?

A I cannot say that it is to a large part; I can only say not to all points.

Q But his basic ideas remain constant?

A Which one of the constant ideas are you referring to?

Q Race theory.

A Yes.

Q The extermination of all democracy?

A I have stated this morning that the Party program asked for an authoritarian Reich Parliament, his concept of democracy.

Q Aggressive wars?

A That Hitler wanted aggressive war, he never told his political leaders. We knew his political aims from his published statements.

Q I refer to what it says in Mein Kampf. It says in Hitler's Mein Kampf that Germany wants to get back all those countries which used to belong to it long ago.

H1037 - 0045

A Mr. Prosecutor, I refer you to the statement Hitler personally made to the French Ambassador. He said in many points, "my book is antiquated."

Q Did the DAF make propaganda?

A A socialistic propaganda.

Q National Socialist propaganda?

A German Conscience Socialist propaganda.

Q What is the difference between German Conscience Socialist Propaganda and National Socialist Fascist propaganda.

A I said I cannot know this difference because now after the war one says national is that which serves the people. I do not agree.

Q I am not interested in your philosophy. You did not answer my question. Is there a difference between German Conscience National propaganda, or national socialist, or rather fascist propaganda -- answer yes or no?

A I cannot say yes or no. We have confessed ourselves to national socialism.

Q Do you agree to my statement that for years the Labor Front has seduced German workers with such propaganda?

A The Labor Front has tried to win the work of national socialism.

Q Do you see now that if German workers have bloodied

H1037 - 0046

their hands on women and children that it is the consequence of the German Labor Front?

A No.

Q Don't you know that what the Germans did in the Eastern occupied territories was a direct consequence of the race theories?

A But it was not a consequence of the social work of the German Labor Front.

Q The Labor Front has done such propaganda for years, or not?

A The propaganda of the Labor Front does not contain a word from which one may conclude to crimes against peace, war crimes, or crimes against humanity.

Q Did you, or did you not, in meetings during those years praise Hitler or not?

A Just like the rest of the German population, we have recognized Hitler as the Fuehrer.

Q Did the Labor Front fully support Hitler, always?

A Yes, within its area of work, and that was socialist work.

MR ORLOV: No further questions.

THE COMMISSIONER: Do you have any redirect, Dr Kraus?

DR KRAUS: Two questions, sir.

THE COMMISSIONER: Very well.

BY DR KRAUS:

Q Witness, are you convinced that the excesses in

H1037 - 0047

the Rurh area mentioned by the prosecution here, and documented by them, were merely individual single cases?

A I am in a position to profess that the entire work of the DAF as a whole was a different one.

THE COMMISSIONER: That is not a redirect question, Dr. Kraus. He should have testified to that this morning. Proceed with your next question, Dr. Kraus.

DR KRAUS: The question was caused by the cross-examination. It was brought out by the questions of the cross-examination.

THE COMMISSIONER: The witness testified that he was in a position to prove that the organization as a whole was not responsible for the things that happened. Let's xmm go on with the next question, Dr Kraus.

BY DR KRAUS:

Referring to Document 205 which is Bormann's circular to Reich and Gauleiters pertaining to treatment of foreign workers. The defense is going to submit this document especially in the document book. The witness being a representative of a large circle of political leaders of the DAF I am asking him:

Q Were the measures which were actually summary and not divided by individual events, by individual incidents, and which xxxx require strict and just treatment of foreign laborers... was this order actually executed by the political leiter of the DAF?

H1037 -0048

A In order to have the guaranty of the execution of this order the leiter of the DAF in addition to the competent authority dealing with this matter has instituted a special central inspection in order to control, not only the factories but also the offices of the DAF.

DR KRAUS: No further questions.

THE COMMISSIONER: The witness may be excused now. And for the purpose of the record as to the documents and charts submitted during this Commission period, the following organizations numbers are read into the record, as follows:

From Organization No. 1 to No. 19, inclusive:

ORG-1 Chart of the SS
Page 43 of Pohl transcript of 20 May 1946.

ORG-2 Affidavit of Alfred NAUJOCKS
Re manufacturing of explosives.
Page 122 of transcript of 24 May 1946

ORG-3 Affidavit of Alfred NAUJOCKS
SD Service Department
Page 105 of transcript of 24 May 1946.

ORG-4 SA Affidavit.
Exhibit No. 1
Page 303 of Boley transcript of 28 May 1946.

ORG-5 SA Affidavit.
Exhibit No. 2
Page 306 of Boley transcript of 28 May 1946

ORG-6 Chart of the SA.
Page 197 of Juettner transcript of 28 May 1946.

Com B
Take 5, page 17
Biolsi
1500 - 1600
11 July 1946
Dr Hupfauer

ORG-7 - D 43 Voting of Civil Servants.
Page 605 of Wendebord transcript of 5 June 1946.

ORG-8 - D/181 Law of Hereditary Health.
Page 609 of Wendeborn transcript of 5 June 1946.

ORG-9 PS 1969. Letter from Reichministry of Interior to Gaustabsamsleiter Sellmer dated 31 Dec. 1940.
Page 611 of Wendeborn transcript of 5 June 1946.

ORG-10 D 884 A - Employment of Foreign Nationals.
Page 615 of Wendeborn transcript of 5 June 1946.

ORG-11 PS 1629 Paris disturbances. Jewish question.
Introduced during the interrogation of witness Knocken.

ORG-12 D 901 and 901A Circular-Card Indices on Households. Ecclesiastical question.
Introduced during the cross examination of witness Schneider.

ORG-13 Decrees, Orders, etc., Corps of Political Leaders
Introduced durin the interrogation of witness Wolf on 28 June 1946.

ORG-14 Affidavit of Richard Mueller dated 29 June 1946.
Submitted during interrogation 2/7/46

ORG-15 Affidavit of Karl Hederich.
Page 1056 of Hirt transcript of 14 June 1946.

ORG-16 Affidavit of Otto Ohlendorf.
Submitted during Ehlich interrogation of 4 July 1946.

ORG-17 Document re Press release.
Submitted during Bock interrogation of 9 July 1946.

ORG-18 Letter re special medical report from Camp physician Dr Jaeger 18 August 1944, submitted during hearing of witness Hupfauer.

ORG - 19 Letter re special medical report from camp physician Dr Jaeger, July 28, 1944, submitted during hearing of witmess Hupfauer.

* * *

48

H1037 - 0050

The foregoing is a true and correct transcript of the testimony of THEO. HUPFAUER, taken on 11 July 1946.

Alice Mahan
Reporter (pp 1-9

Charles J. Gallagher
Reporter (pp 10-15

Brenda Winkler
Reporter (pp 16-23

Evelyn M. Roberts
Reporter (pp 24-31

Andrew Bider
Reporter (pp 32-48

CERTIFIED TO :

Geo R Taylor
Commissioner

H1037-0051



OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPROVED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

COMMISSIONER:

Mr. George R. Taylor.

POLITICAL LEADERS

(THE COMMISSION CONVENED AT 1035 HOURS.)

THEO. HUPFAUER, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q What is your name?

A Theo. Hupfauer.

Q Please repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

You may sit down. Is the defense ready for the examination of the witness?

DIRECT EXAMINATION

DR. KRAUS: I am defense attorney for the Corps of Political Leaders.

THE COMMISSIONER: This is an emergency hearing at the request of Dr. Link. Dr. Link advised that the examination of the witness would be very short and for that reason this witness was brought over in place of the former witness. We hope that counsel will confine himself to the material evidence of the defense of the organization and be brief. Proceed with your examination Dr. Kraus.

BY DR. KRAUS:

Q The witness is a political leader from the German legal sector. The witness is to give evidence as to the organization of the DAF and the connection of the DAF with the political leaders of the party.

I want to prove that the political leaders of the DAF had nothing to do with the crimes charged by the prosecution to the political leaders. I shall n ask the questions of the witness.

H1037-0052



Doctor, your full name?

A Dr. Theodore Hupfauer.

Q When were you born?

A I was born on July 17, 1906 in Dellmensingen.

Q What was your career?

A I went to elementary school a little more than five years. I attended high school for nine years. I studied law in Vietsburg and Luzerne, Switzerland. I was referendar at a Amtsgericht (courthouse) Landgericht (The lowest level of German Judicialism, or district court) Bezirksamt, Landrat (Police Headquarters) and a private attorney.

Q Did you graduate?

A Yes, I did graduate from University and I got my Doctor of Law.

Q After you finished your education, what functions and activities did you pursue?

A In 1933, approximately in July, my full time paid professional activities started with the DAF. I was employed by the DAF until 1944. I then became the chief of the Central Office in the Reichs Ministry for Armament and War Production.

Q When did you join the NSDAP?

A In October of 1930.

Q Will you tell us why you joined the party?

A The basic reason was the political weakness of the "Weimar" system and the effects which this weakness had on the foreign policy. I saw that myself.

Q Did you participate in any political activities before joining the NSDAP?

A No, not at all.

Q Witness, what was your last position in the DAF?

A My last position was that of section chief of the Central Office of the DAF. I was in charge of the Section's Social Self administration.

Q Since when did you fulfill this position?

A I became the chief of that section around 1935 or 1936. I was section chief from 1936 to 1944.

H1037-0053



Q Did you, in this position, work immediately with the leiter of the DAF?

A I was immediately subordinate to the leiter of the DAF in a professional respect.

Q Did being the chief of a section within the DAF mean that you also were the chief of a section within the party?

A No, being chief of a department within the DAF does not necessarily mean being chief in the party.

Q Will you give us a brief outline of the organizational structure of the DAF?

A The regional organization of the DAF is not like that of the party. On the Reichs level, we have the central office; in the Gau level, the Gau administration of the DAF, on the Kreis level, we have the Kreis administration of the DAF and on the Orts level, we have the Orts administration of the DAF. Within the regional structure there are Amts, respectively, main office or offices. An example for the most important are an amt for education training, an amt for public health, an amt for public education and an amt for social proper self administration, then there are proper offices for the care of factories, for the individual industrial places such as chemistry, etc. Furthermore there are the administration offices for organization, personnel sections, etc.

Q Was the DAF a component part of the NSDAP?

A It was not an essential component, consequently, it was not "gliederung" of the party, but an attached organization and as such it was financially a part of the organization, but as far as personnel was concerned it was not autonomous.

Q What were the connections between the DAF and the political leading authorities of the NSDAP?

A The main points of connection were that the leiter of the DAF at the same time was the Reichs organization leiter of the party. The Gau manager of the DAF at the same time was Gau Amts leiter of the NSDAP; the kreisleiter was kreis amts leiter and the orts manager was the orts amts leiter.

Q The DAF, as such, has not been charged with any crime by the

H1037-0054



prosecution. The charges pertain to the so-called political leiters, who were the so-called Amtstrager (functionalists) of the DAF Walter.

A No, their function did not make them political leaders, even though it was generally true of the Gau, Kreis and Orts managers.

Q If I understood you correctly, not all the amts managers at the same time were political leaders?

A That is correct, I am convinced that in the central office, a minor part were political leaders.

Q Just what decided whether the amtsleiter was a political leader or not?

A Becoming a political leader required an application to the party made by the superior to the individual and then the appointment itself.

Q Did it depend upon the functions of the individual?

A A decisive part was played by the functions the individual fulfilled.

Q Could it have happened that of two people who fulfilled the same functions, one was a political leader and the other was not?

A Yes, that was the case in my office too.

Q Consequently, one of them would fall within the charges preferred against the political leaders and the other would not?

A Yes.

Q Could it have happened that a section chief was not a political leader and one of his subordinates was the political leader.

A Yes, because he was not a political leader on the basis of his function, but a political leader had to be appointed.

Q Were you a political leader?

A Yes.

Q Was this forced on you?

A No.

Q You were especially appointed?

A Yes, I was appointed.

Q Were those appointments automatic ones or did you make a special application in that respect?

A I personally had nothing to do with such applications. The leiter

H1037-0055



of the DAF makes an application to the party chancellery, which would make the appointment by an order of the official.

Q What was your rank as political leiter?

A I was Hauptdienstleiter.

Q Were you appointed to your position in the DAF because you were a political leiter or did you become a political leiter because you proved yourself in your position in the DAF?

A I became section chief only and solely on the basis of my efficiency.

H1037-0056



Q What were your specific duties?

A I was the chief of the section for Social Self Administration. This amt deals substantially with the following duties of the DAF, with the organization industries in command of economy, securing the cooperation of employers and employees on questions pertaining to work, this work was provided by way of the work commissions and work chambers, the erection of social contests characterized as an efficiency model of factories, mostly dealing with questions of wages, working hours, accident prevention, labor law, home work, working conditions and similar matters.

Q Who issued your directives pertaining to your work?

A As far as I received any directives at all, they came from the leiter of the DAF.

Q Who was the leiter of the DAF?

A Dr. Ley.

Q The directives you received from you did you receive in his capacity as leiter of the DAF or as organization leiter?

A In all problems pertaining to my specific work, he presented himself to me as the leiter of the DAF.

Q And to whom did you give your pertinent directives?

A I gave them to the central section within the amt, further by way of the Gau managers and I issued them to the corresponding sections in the Gaus.

Q How many departments did you have under you?

A In my Amt. there were three main departments, which in turn had their sections.

Q Were these also occupied by political leiters?

A Only party.

Q Would you state, on the basis of your personal knowledge and position and your activities over a long period of years, that you are competent to give information pertaining to a large circle of political leiters, for instance all the political leiters in the labor front?

A For eight years, I was the leiter of an important office. Consequentl I am satisfied I can give information regarding the political leiters of the DAF in essential questions.

Q The prosecution charges the political leiter corps in its entirety

H1037-0057

and also includes the political leiters of the DAF with participating in a plan of conspiracy, which had for its goal the starting of an aggressive war and in the execution of this, crimes were committed against the rules of humanity, war and war crimes. I ask you, did the circle of political leiters which you represent here have any knowledge of these matters?

A I can clearly answer this question by "no". Adolf Hitler outlined the functions of the political leiters of the DAF in November of 1934 and this has never been changed. During all these years the political leiters of the DAF never received any directives that would enable them to act in such a manner. The decree says very briefly that we were to secure labor peace by securing the justified interest of the employers and employees.

Q Do you believe that the political leiters could have been able to become aware of the things charged by the prosecution?

A It was customary to inform the political leiters only about those matters which belonged within their scope of duty and thus, generally the political leiters of the DAF were informed of matters of a political nature.

Q Consequently, you do not believe that you have omitted anything which would make you guilty in order to find out about such plans?

A In all the years our task was purely a social one, consequently there was no motive on our part to either assume such plans or find out about such plans.

Q Was the so-called corps of political leiters a unified organization with a common aim, which would have been uniformly informed of the plans of the political leadership?

A The concept of the corps of political leiters is not familiar to me in regard to the political leiters of the DAF. Within the DAF generally, one merely spoke of DAF-Walter and there were those who were appointed political leiters and those who were not. There was none of the unification which one finds in an officers corps.

Q Could one join or resign from the so-called Corps of Political Life voluntarily?

A There was no resigning and joining such, as in any other political organization. One was given a function in the Amt, and one was suggested by

H1037-0058



one's superior for an appointment as political leiter.

Q Did the Amtswalter of the DAF in the Gau level and the Gauleiter participate in the regular meetings of the Hoheitstraeger?

A I can answer definitely only in pertaining to the Kreis level. The only regular conference of the Amtsleiter of the German Labor front were with the Leiter of the DAF. The Political Leiters of the Central Offices never participated in regular conferences of the Party Chancellery, which is the competent authority for the Reichsleiter. Individual Amtsleiters were called into these confer ences, if deemed the discussions were pertinent to their special duties. The Amtsleiter of the DAF as such did not participate in Reichs meetin s, or Gau meetings. As far as the Gauleiter is concerned, I can say that insofar as the regular conferences that took place with the Gauleiters, only the Gau-manager of the DAF, or his deputy participated.

Q Did the Amtswalter of the DAF receive any directives pertaining to their duties from the Hoheitstraeger?

A Yes, I received my professional directives exclusively from the Leiter of the DAF.

Q Witness, did you, or the large circle of political leiters, which you represent here, ever consider the moral preparation for war a part of your duties, or your duty?

A The political leiters of my professional circles neither considered this our task nor did they receive any such directives. This also applies to myself.

Q Were you informed in conference, or by secret orders of things like that with your faculties leaning in such direction?

A No.

Q Did you inform the Leiters subordinate to you in this direction?

A No.

Q Is the Party program an important basis for their charges? I ask you, were you and the circle of Political Leiters which you represent conscious that the points one, two and three of the Party program, that is advanced for the union-built Germany on the basis of right or self-determination, demanded equality and consideration of the peace treaty of Versailles and Saint Germaine,

H1037-0059



the demands of colonies that points to domination of foreign peoples?

A I had never heard and neither have I seen anything in the Reich which interpreted the Party program that way.

Q And were the Political Leiters generally aware that these goals were to be achieved if necessary by force, or even by war?

A Certainly the Political Leiters of the DAF never received such a directive.

Q How did you think these three points were to be realized?

A I was convinced that Hitler and his first assistants were to do everything to achieve their particular points by way of discussion and conferences.

Q Did you and the circle of people, or individuals through consent, believe that the repeated assurances of peace by Hitler, and of other parties were true and considered them as he said they were?

A Peace was the sine qua non for the fulfillment of the social duties which were put to the DAF Leiter, that not only believed in the assurance of peace gladly, but that even assented to them, and we had every cause to believe that. It was just about in 1939, that is to say, shortly before the object of the war that that authority or solution of the problems which were of an authoritative peaceful character took place. May I give a few examples. In the summer of 1939 in Hamburg we had the DAF with a clear task to secure and to affirm elections with the labor or other peoples by the institution of the "Strength through joy" program. It was in this period that we had received the clear order to realize the Party program, I believe, was point fifteen, which required the pensioning in a large scale old age pension program for the German nation. The Political Leiter of the organization "Strength through joy" received from Dr. Ley a task around this period to organize a mass visit of German workers at the Olympia. Furthermore, we considered the pact with the Soviet Union the clarification of the most dangerous and strongest point of tension.

Q In Europe what was the purpose of the people's army, and the reproduction of the draft or conscription?

A I can only repeat here what was told to you. They said that by

H1037-0060

making the nation Wehrhaftmung, it would insure the defense.

Q Did the Political Leiters in your circle of activity become clear that doing away with Parliamentary procedure in Germany served the sole purposes of eliminating people and state by the NSDAP, conscious of preparation of war, and to commit crime against peace and humanity?

A No. They did not have an objective, or positive memory of the

H1037-0061



Parliaments before 1933. There was no reason to believe that the Parliament would be later, because one of the Party points demanded precisely the creation of an authoritarian Parliament.

Q. Were the Political Leiters aware that for the same reason, that in order to prepare for the aggressive war protective custody and concentration camps were introduced?

A. No.

MR. TAYLOR: Let's take a ten minute recess.

(Recess)

MR. TAYLOR: Proceed with the examination.

BY DR. KRAUS:

Q. I refer to my last question which dealt with concentration camps. How far did the circle of Political Leiters you represented deal with the question of concentration camps, and of the knowledge that they have of these camps?

A. The Political Leiters of the DAF had no authority or executive power a to these methods, therefore, in their capacity as Political Leiters of the DAF had no power to take any executive measurements along this line. As to how far they had knowledge of these things I cannot state as to all Political Leiters, but only as far as I myself am concerned.

Q. Did you in your capacity as Political Leiter have more knowledge of these things than the average German who merely knew that there existed a certain number of them?

COLONEL GRIFFITH JONES: I think in this respect that is the most unimportant question I have heard here, and immaterial. In any event this witness's personal knowledge is admissible, and for the defense counsel to attemp to get in evidence of this kind as to the witness's knowledge of other Germans is not admissble, and in that respect most important.

MR. TAYLOR: Read the question. (Whereupon the question was read) I think that question is improperly put to the witness. I do not believe that the witness is really qualified to answer that as to knowledge of other persons and, I do not believe that the question is material. I think that is irrelevant. You are not stating the defense of the organization. The objection is sustained.

H1037-0062

DR. KRAUS: May I in my capacity as defense counsel take a position as to the objection?

MR. TAYLOR: Yes, you may have an exception.

BY DR. KRAUS:

Q. The Political Leiters in general have been charged in the accusation with the question of concentration camps in general. It is, therefore, absolutely necessary, too, that the defense takes a position as to the responsibility of all the Political Leiters, and especially of the circle of Political Leiters as represented by the present witness.

MR. TAYLOR: Dr. Kraus, don't you think that the witness has in general made a clear cut general denial of any participation in any of the crimes that are charged in the indictment.

DR. KRAUS: Well, for the production, therefore, of the evidence it will be sufficient if the witness states by very short answer that they have nothing to do with those crimes, but such an answer should be made possible by allowing my question.

MR. TAYLOR: I don't think your question is proper for the record, but go ahead and answer the question without a lot of detailed explanations.

BY DR. KRAUS:

Q. I repeat the question. Had the Political Leiters, and the circle of Political Leiters you represent more knowledge of the advance in concentration camps than the average German in general?

MR. TAYLOR: You may answer that.

THE WITNESS: The Political Leiters had no other information as to the question of concentration camps than the whole public opinion. They had no authority and no orders with regard to this question.

BY DR. KRAUS:

Q. Were the Political Leiters in your period of activity aware of the fact that the amalgamation of Jewish influence in the economic deal was only how to prepare a war.

A. I don't know how far the domination of the Jewish influence in the German economy could be considered as preparation for war, and I think that is an opinion which I can give on behalf of all the Political Leiters, too.

H1037-0063



Q. Did the group of which you represent have any kind of knowledge for plans of definite solution of Jewish problems by physical extermination in extermination camps?

A. I may here refer to my personal knowledge, and I have to state and it is only by what has been caused by the reports of the Nurnberg trials that I have had knowledge of such terms as extermination camps and final solution of Jewish problems.

MR. TAYLOR: Dr. Kraus, if you have talked with the witness as to his knowledge and information concerning these questions, then may I ask you to not ask these questions any more, because he has stated that he doesn't know anything about them personally. Now you know, Dr. Kraus, whether or not your witness personally knows the answers to the question and has the information. He says he has only learned of these matters since the Nurnberg trial. You are wasting time by doing that.

DR. KRAUS: It seems to, however, to be relevant that the Tribunal know of these facts. It is not sufficient if I have knowledge of them, and the Tribunal has to be informed of these things.

MR. TAYLOR: But your witness says he has only learned of these facts from the Nurnberg trials; therefore, that is testimony -- he knows nothing about it himself. Let's confine your evidence to the issue and defense of your organization, doctor, rather than have hearsay testimony. Let's proceed -- we are wasting more time by arguing over these objections than we are getting evidence.

Q. Have the Political Leaders in one way or the other had any common responsibility for the events of November 1938?

COL. JONES: I suggest that all these questions be answered yes or no. We are wasting hours, apart from levancy of these things, by listening to

H1037-0064

the witness repeating the question every time one is asked. That last question can be easily answered yes or not.

THE WITNESS: I have only asked what the question was.

MR. TAYLOR: Repeat the question to the witness.

(The German court reporter repeated the question)

A No.

Q Had the Political Leader anything to do with the turning over to Aryans of Jewish property?

A No.

Q Witness, the prosecution has submitted the document, D-75. This document is a letter from the Chief of the Party Chancellory to the Gauleiters. It is headlined - National Socialism and Christianity. In this document there is a passage saying "as well as the bad influence of astrologists, fortune tellers, and other cheats has to be eliminated - the church has to be entirely eliminated too.". I ask you - had the Political Leaders of your area of activities any information by way of conferences or other ways of these plans?

A In the circle of the Political Leaders of the DAF, we had only one principle, and that was let everybody be happy according to his principles. There are Political Leaders which were my fellow workers and who had all the different confessions as Catholic, Protestant and Goffglaubige.

MR. TAYLOR: Dr. Kraus, from that answer the Commission takes it that this witness has made a completely general denial of the activities of his organization and denied any part in any of the crimes alleged in the Indictment. The witness has testified to the fact that his organization which he represents, was merely a social activity, and in fairness to the other organizations which he represents, was merely a social activity, and in fairness to the other organizations and the rest of the Political Leader witnesses, it is necessary that we confine the examination of this witness to those points which have not been covered; otherwise you are taking advantage of the other attorneys and the other witnesses that should appear before this Commission. The Commission is going to Hold that the cross examination of this witness will start at 2 o'clock, so I do hope you finish by 1 o'clock. Proceed with the further examination of the witness, Dr. Kraus.

H1037-0065



Q Were the Political Leaders aware of the fact that the dissolving of the trade unions was meant to bring about a preparation of war, and to eliminate free opinion of the worker?

A There was no reason for thinking that.

Q Is it possible to state that the DAF was forced on German labor?

A The DAF has been created at a moment when the Betriebszellenorganization had already three million members. In 1933, the trade unions had decreasing amounts of members, because of the great number of unemployed, and it may be said that the DAF has taken over about five million workers from the trade unions.

Q Have the financial claims of the members of the trade unions been maintained later within the frame of the DAF?

A The Chief of the DAF has declared in the presence of his fellow workers and of public opinion that the gained advantage and legal claims of the workers had to be maintained in all events - meaning that the DAF took over the payment to the invalid, incapacitated, insurance and old age insurance.

Q Witness, please answer in a very short way to the next question. Have only the organizations of employees been taken into consideration at the dissolving of the trade unions or were the organizations of the employers considered too?

A The organizations of the employers were considered too.

Q Was there any disadvantage for labor deriving from the later coordination of employees and employers association?

A This was not a disadvantage - I can prove on the contrary that it was an advantage.

Q Has the creation of the Germanlabor front strengthened or weakened the influence of labor within the State?

A The fact of putting all those labor organizations together in one great labor front gave this front very great power with regard to both the State and the economy.

Q Along with other charges the prosecution makes the Corps of Political Leaders responsible for the mass deportations, and for what is

H1037-0066

called the indignant treatment. In how far did the Political Leaders deal with the selection and transportation to Germany of foreign workers?

A The Political Leadersof the DAF had nothing to do with neither recruiting nor transporting in to Germany of these foreign workers.

Q In how far did the Political Leaders of the DAF deal with those questions of foreign workers at all?

A It was voluntary that the DAF has taken charge of these foreign workers when the first foreign workers came to Germany - they were Italians, Czechs, and Slovaks, in 1938.

Q In what manner did you deal with those workers?

A May I quote some examples?

Q Yes.

A The DAF had control of the camps as far as food and accommodations were concerned. They organized professional instructions centers and readaptation centers. In these camps they had lectures for cooks. They helped these professional organizations with regard to the transferring of the wages in to the home country, and helped those centers with regard to sports and cultural events. In the beginning the DAF had camps for themselves, but as time went on, these camps have been handed over to the other organizations, and they were only more professional camps that remained.

Q Were there other conditions for foreign labor than there were for the German labor?

A In the beginning of the Arbeitseinsatz (labor assignments) by the State, the Government hasinformed the factories that according to treaties between the different States, foreign labor should be employed under the same conditions as German labor. It was a consequence of these treaties that the achievements which were to be made in those factories were a part of the labor conditions, too.

Q The prosecution states that the foreign laborer has been systematically neglected as far as food and accommodations were concerned, and that furthermore that there had even been ill treatments of physical character. Can you, because of your important position in the DAF, give an opinion as to this question?

H1037-0067



A I have no knowledge of any verbal or written information handed out by the leader of the DAF, and according to which there were orders for an ill treatment or bad treatment of foreign laborers. It is certain that a good treatment is the first primary condition for any effort.

Q The prosecution has submitted document U.S.A. 202, which consists of an affidavit by Dr. Jager. In this document it is stated that the conditions, especially in the rural territory and in Essen, were insufficient with regard to food and accommodation. Can you, by your own observations, give a view of the conditions, espeically in Essen, and in the rural area?

A In July or towards July 1943, at the beginning of this strong bombing of this area, I was orddred to take a part in the battered factory area. It was my difficult task and duty to maintain the factory output in spite of the bombings. The difficulties increased from one month to the other, and we had to make all the possible efforts in order to have the industry in those areas not simply to break down. It was one of my most difficult tasks to prevent the moving of labor which was very dangerous for the economic situation. In this line the primary tasks were first of all the feeding of the laborers and then the housing. I may say that the securing of food has always entirely succeeded inspite of the great difficulties. I have ordered myself the construction of six food trains and of several mobile kitchen units. After every attack of this area of the rural territory, I have been myself in the factory I was assigned to, and I have seen it that on the next morning already during the general cleaning up it was seen that the food was provided for. Furthermore, I had from one factory to another organized neighborly food aid - that means that if the kitchen of one factory was bombed, the kitchens of the other factories would come to the rescue. It was, of course, a point of attraction for the workers that they were aware that even in the event of the bombing there was good food organization within the factory. I may state as a very great success that while at the beginning of my activity, after each attack, 40 to 45% of the workers were lacking - even in 1944 during the strongest bombing attack - this figure reduced to 15-12 or even 10%.

Q Will you tell us what you know about the number of calories and

H1037-0068

clothing of these foriegn workers in the area that you have been in and so severely damaged by bombing?

A In this task which was a part of my work down there, not only the German workers, but the foreign workers which were a large part of the labor down there, have taken an active part. The number of calories which were distributed by this special help was, of course, strongly above the number of calories given to each German by the Russian Cards. The most difficult task was the housing problem, because, of course, with every attack 100 and 1000 flats which were situated around the factories or traffic centers were smashed.

MR. TAYLOR: Doctor, the witness is not responding to your questions. He is talking about something else. You didn't ask him that question. You ask himabout calories and he is talking about housing and bombing and everything else.

Q Witness, it has been stated here that the habitants of the foreign labor were infected and that the number of calories was only 1000, is that correct?

A Even during the War, I have no knowledge of an official rate of calories of 1000 - neither for Germans nor for foreigners. If there are reports of unhealthy housing conditions, the factory was immediately ordered to do something about it, because we neededhealthy people for the work.

Q Witness, is it possible at all to consider the conditions at the factory, Krupp in Essen, as conditions to be taken as an average?

A The town of Essen and the Krupp factory have been one of the most bombed areas, and it is therefore scarcely possible to take this area as an average for Germany.

Q If I understand, the conditions in this area were largely based on War facts?

A The conditions of work and the living conditions in this area were extremely difficult.

Q I want to conclude with two more questions. Is it correct that even in the highest comman office of the Party and State there could be

H1037-0069

seen again and again there was no unanimity with regard to the aims and directives ofthe State?

A It is a fact which has to be deplored.

Q Can you give examples?

A At this moment, I cannot give but one example. It dealt with the question of the integration of younger members of the integration of yuunger members into the Party. With regard to this question, two Reich Leaders, Bormann and Ley, have handed out different directives to their subordinates. Ley called for using the way of selection of these you Party members through the Adolf Hilter Ordeusburgen, while Bormann was of the opinion that one should not use schools, but just select those young members from the mass of the population.

Q Have you had knowledge of a principle fuehrer decree of the year 1940, according to which nobody was to be told of anything which should be kept secret, unless he should have knowledge of these things, because they are not in his field of activities, and tht even then he should be told only what was indispensible for the fulfillment of his task?

A Twice I had to inform all my fellow workers of this Fuehrer decree, and everyone had to sign that he had been informed of this decree. Furthermore, this specific Fuehrer decree was posted in many offices.

MR. TAYLOR: The Commission will adjourn until 2 o'clock.

(Adjourned: 1304 hours)

H1037-0070

COMMISSIONER: Geo. E. Taylor

POLITICAL LEADERS - DAF

(The Commission reconvened at 1410 hours)

Dr. Hupfauer, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Dr. Krauss, you have no further questions?

BY DR. KRAUSS:

At this time, I have no further requests.

BY THE COMMISSIONER:

Remind the witness that he is still under oath. (witness reminded)

CROSS EXAMINATION

BY COL. GRIFFITH-JONES:

Q You told that there was a DAF leader on the Staff of each Gau Leader, Kreis Leader, and Ortsgruppen Leader?

A. Yes, the so-called Betriebsobman of the DA F.

Q Was it his duty to assist the Gau Leader, Kreis Leader, and Ortsgruppen Leader in those matters with which he was concerned in the DAF?

A. He was the adviser of the Gau Leader regarding all problems pertaining to the DAF.

Q You have told us also that the DAF were responsible for the care of foreign workers employed in industry?

A It assisted the factory management in measures pertaining to the care of foreign workers. The agency directly responsible for that care is the factory itself.

Q Let us be quite clear about this. I have before me an order issued by Sauckel in May 1942, the number is P S 3044, U.S. 206, laying down directives for the care, lodging and treatment of foreign workers of both sexes. Do you remember t he order?

A No, I do not recall it.

Q Let me just quote to you, paragraph six of that directiv lays it down: The care of foreign workers employed in the Reich

(a) by the German Reich Food Administration in the case of farm workers and (b) by the German Workers Front in the case of non-farm workers. And again in the following paragraph Sauckel decrees that all foreign non-farm workers regardless of who maintains the camps will be taken care of by the German Workers Front. I take it that reflects the responsible agency?

A. It has taken over the care of these people. However, this means that it assists the factory in that manner. It does not mean that the DAF had the authority to put down the amount of wages received or working hours.

Q In that same order it says:
"That in all German Gaus the Gau leader will have the right of inspection and control over the execution of these orders."
That is correct?

A That is true of the labor front, but at the time that Sauckel was appointed plenipotentiary for the employment of labor, in order to be particularly effective himself he had asked the Gau leader over the chancellor to pay attention to these matters and to assist him. I do not know whether he had the Gau leader do it in the capacity of, that is to say whether it was in a State or leader capacity.

Q I just want to ask you how the Gau leader and the Reich leader carried out that duty? Will you look at Document D-317, U.S. 301, in that you will see affidavit sworn to by a political doctor who was looking after a section of Polish prisoners of War working in the Krupp factory. You see about five lines down he personally visited the Russian P W camp in the Raumastrasse in Essen.

A May I say that he is talking about Russian and French Prisoners of War and that the DAF had nothing to do with Prisoners of War.

Q You say that the DAF, for example in Essen, had nothing to do with Prisoners of War who were employed side by side with foreign workers in factories?

H1037-0072



A The Prisoners of War never lived together with the foreign workers. The German Labor Front had no competency as far as Prisoners of War were concerned.

Q We will not pursue that document further. Let me show you a photograph of some of the houses in Krupp factories where foreign laborers were working or rather housed.

A I do not know these barracks of my own knowledge, but I do know foreign workers were sheltered in wooden or brick barracks.

Q You will see that these barracks are right in the center of the Krupp factory, are they not? You can see the crane almost over the roof.

A I do not know whether these were the Krupp works, but most of these barracks were built in the vicinity of the works so as not to disturb the traffic.

Q I only made that point to emphasize that everybody in Krupp and the DAF group must have known of the conditions under which they were living, mustn't they?

A Krupp for this purpose of course had its camp leaders, but the special commanders of the camps and officers for these barracks would have

H1037-0073



to pay attention to these matters. If this picture is to prove that foreign workers were always sheltered within the precincts of the factory.

Q. Perhaps you will just confine yourself to answering my questions. You see a little tin box outside these buildings. I will show you a clearer picture of that. That was their punishment cell; that was the place where foreign laborers employed in the Krupp works were locked up as a punishment?

BY DR. KRAUSS:

I have a question.

BY COL. GRIFFTH JONES:

Not at the moment.

BY THE COMMISSIONER:

If you have an objection, Dr. Kruass.

BY DR. KRAUSS:

I object, I would like to know if the document has been submitted?

BY COL. GRIFFITH JONES:

The document has been submitted. It is D-382, U.S.-897

Q. Witness, do you call that a very humane method of punishing workers?

A. No. If a political leader of the German Labor Front had ever seen anything like that he would have stopped it.

Q. But if a political leader of the Labor Front was doing his job, he was bound to see those cells outside the huts of the Krupp Factory?

A. If he had ever seen those barracks, he, of course, has seen the cells, but during war time we did not have hundreds of Gau workers, we had just a few.

Q. Let me just read from an affidavit, B-382, US-897, which is an affidaivt signed by a number of workmen who were working the course. You see it says, I read: "Frequently even 2 or 3 people were pressed into one compartment. A Russian woman who was seven months pregnant had been pressed into the cupboard in a bestial manner. There were a few sieve-like air holes through which cold water was poured on the unfortunate victims during the ice cold winter." If that sort of thing was happening frequently in the midst of the Krupp Factory, the DAF kreis leader must have known about it, mustn't he?

H1037-0074



(At this point the witness started to shout and gesticulate).

BY COL. GRIFFITH JONES:

Please keep your temper. There is no use your getting angry with me, this is what your people were doing, not us.

A. All I say is this. If that has exactly happened, it contradicts the explicit directives of the DAF. If the DAF would have known of it, the individual responsible would have been reported to the criminal courts.

Q. We will deal with all that later. Will you look at the last paragraph. That is one of the men who swore to the affidavit:

"Personally saw how 3 Russian civilian workers were locked into the cupboard (two in one compartment), after they had first been beaten on New Year's night 1945. Two of the Russians had to stay the whole of the New Year's night locked into the cupboard and cold water was poured over them as well." Just take this (handed witness a steel pipe). That was what the Russian civilian workers were beaten with. Do you think that the DAF leader in Krupp factory was unaware that Russian civilian workers were being locked up in these cells and being beaten with these steel pipes?

A. I do not believe he knew it. The competent office of the DAF, which was the Amt. Employment, contained a so-called camp leader warning card index. Every one who had abused his job in connection with the employment of labor was entered in there. So that such a man was never permitted to come in contact with foreign labor any more.

Q. How can you say that the DAF leader did not know what was going on in the Krupp works where 20,000 slave laborers were employed?

A. I am convinced that he did not know of that, otherwise he would have taken steps on the basis of his directives.

Q. Let me just refer you back to another paragraph in Sauckel's order of May 1942: "The special regulations concerning the treatment of foreign workers will remain unchanged." Were there special provisions for the treatment of Russian workers as a group?

A. No; there were decrees which were generally valid.

Q. You do not think this was some of the special provisions that were

H1037-0075



made to apply to the treatment of Russians?

A. The directives which the political leader of the Labor Front had received pertaining to the treatment of foreign labor were essentially that a just treatment would bring about the greatest efficiency by all those laborers. One can not achieve production by unjust treatment.

Q. One thing is question that treatment had nothing to with the air raids?

A. It has nothing to do with the air raids.

Q. Or was it by chance the means you employed when the air raids got bad to maintain your production?

A. No, that would have achieved the opposite. That would have caused the workers to escape. We did not have the men to keep them there.

Q. The men who were in charge of the Krupp factory didn't think it was the wrong way to treat them?

A. I do not know.

Q. What is the KVD?

A. That is the German Insurance Doctor's Associatian.

Q. Had the doctors got a representative on the Gau, Kries, and Ortsgruppenleiters staff?

A. I do not remember the tital, but there was a Gau physician's leader.

Q. Will you look at Document 366; now you see that is one of your own documents. Here is the original. That is a letter signed by Dr. Yaeger who described himself as the Krupp Works doctor.

A. The doctor is not an employee of the DAF. He is either an independent physician, or he is employed by the factory.

Q. That may be so, but I am asking you some general questions. That letter is addressed to Gau leader Dr. Heinz. Who would that be? What sort of Gau leader?

A. It is not the Amts leader of the DAF because that is Dr. Sturm.

Q. I am just asking youfor my information . What kind of Gau leader was Dr. Heinz?

H1037-0076



A. Since the distributing key read KVD, that is probably the physician's leader. The men on the highest level were subordinates to the National Health Leader, Dr. Conti.

Q. That letter you see is a letter of protest of the appalling condations, particularly medical, at Camp Dorston. I suppose that has nothing to do with the DAF, has it?

A. I can not find out that. In any case this statement itself does not mention the DAF. I do not know the persons, with the exception of Mr. Ihn, and this was one of the members of the Krupp factory.

Q. Rabenhorst Camp is still not ready. That is a foreign laborers camp, isn't it and the DAF was responsible for it?

A. The hospital barrack was supposed to be erected by the company and the DAF had to be informed and was to assist them.

Q. That letter was written on the 18th August 1944?

A. That originates from 1944 which is the time of the bombing attacks.

Q. Will you look onto the next document in your file, I do not know what your number would be.

H1037-0077

DR. HUPFAUER - Continuing

CROSS-EXAMINATION - Continued

COMMISSIONER:

GEORGE R. TAYLOR.

COL. GRIFFITH-JONES:

Q. Will you look on to the next document -- the next document in your file. (And to the Commissioner:) I put that document in, but I do not know what number it would be.

THE COMMISSIONER:

That document is to be marked Organizations No. 18.

COL. GRIFFITH JONES:

Q. You see this document No. D-338. You see this also is addressed to the Gauamtleiter. Let us just see what it says:

It is dated 28 July 1944. "The sick bay hut in Rabenhorst Camp is in such a bad state that one cannot speak of a sick bay hut any more. The rain leaks through everywhere. The housing of the sick is therefore impossible. The labor supply is thereby greatly endangered, because those persons who are ill cannot get well again. The hut must be roofed over as quickly as possible..."

Aught not you DAF leiter have made himself acquainted with the conditions under which the foreign laborers were working in Rabenhorst Camp, or living in Rabenhorst Camp?

A. During this period we had to reconstruct and almost rebuild completely these camps in the Krupp factory and all other camps. We had to assist Krupp in this purpose. Several thousands of "Organization Todt" members were put at the disposal of Krupp constantly. We have done the humanly possible in this business of reconstruction. In regard to construction it may havebeen and probably was that other camps which were damaged worse were taken care of firs It is interesting to see that in August Dr. Jaeger states that there is no sick bay, whereas in July he asks for repair. And this document, too, does not say anything about the DAF and does not indicate that Dr. Jaeger was contacting the DAF.

H1037-0078

Q. But it is the duty of the DAF, isn't it, to look after the care of the foreign workers?

A. Somewhere there is a limit to the work of human beings. And that happened very frequently during the bombing attacks in the center of Essen. I must ask, therefore, that the situation at Krupp may not be construed typical of the work of the DAF in the entire Ruhr.

Q. On what date did the bombing of the hut really affect the conditions of the workers?

A. The bombardment started really in 1942, and with the great attack on Cologne they started vehemently in June or July 1943

Q. What date in 1942 did they start?

A. I cannot recall.

I was detached to the Ruhr area because of the exceedingly difficult situation in order that I may assist the local authorities there.

Q. Did you know of Mr. Prior of the DAF?

A. Perhaps if you will give me his office?

Q. No --- except that he was in the DAF --- Yes, of course, 61 Steubenstrasser.

A. I don't know him personally.

Q. I want you to discuss with me a matter which does affect the DAF, Would you look on at Document D-361, which is US 893. Before we go on that second document which I put in, will become Organization No. 19. That is D-338. We will read it in a moment.

Now, witness, that is a letter signed by Mr. Soarleng, office chief of the Local Construction Works, and it is dated the 25th of February 1942. Air raids had not made very much difference in 1942, had they?

A. A. No, I do not believe the bombardments were very severe in 1942.

Q. I shall ask you to read this document with me. (Holding document in hand). Mr. Soarleng writes: I received the inclosed letter on the 18th of this month from German Labor Front (sent to my private address) inviting me to the office of the German Labor Front at 61 Stuebenstr., Room No. 20, for Friday the 20th of this month. "

H1037-0079

I don't think we need go any further with that paragraph. He apparently went on that, and before he describes the interview which took place he sets out the story which had given rise to it. He says:

"The following event provided the cause of this conversation, which Herr Prior carried on in a very lively manner and which lasted about a half an hour

"On the 16th inst., 23 Russian PWs were assigned to No. 23 Boiler Shop. The people came in the morning without bread and tools. During both breaks the PWs crept up to the German workers and begged for bread, pitifully pointint out their hunger. At the first midday the works had the opportunity of distributing the food which remained over from the French PSs, amongst the Russians. In order to alleviate these conditions I went to the Weidkamp kitchen on the 17th on instructions from Herr Theile and talked to the head of the kitchen, Fraulein Block, about the provision of the midday meal. Fraulein Block promised me the food immediately and also loaned me the 22 sets of eating utensils which I asked for.

"At the same time I asked Fraulein Block to give any food left over by the 800 Dutchmen messing there, to our Russian PWs at midday till further notice. Fraulein Block promised to do this too and the following midday she sent down a container of milk soup, as an extra. The following midday the ration was short in quantity. Since a few Russians had collapsed already I telephoned Fraulein Block and asked for an increase in the food as the special ration had ceased from the second day onqards. As my telephone conversation was unsuccessful I again visited Fraulein Block personally. Fraulein Block refused in a very abrupt manner to give any other special ration."

I will read on now with part of the letter which describes the interview which took place with those three gentlemen of the Labor Front concerning that incident which he has already described. Perhaps you will follow it in the letter. (And the witness takes the letter and looks on.)

Now, regarding the discussion in detail, it is clear two other gentlemen of the DAF and Fraulein Block, head of the Weidkamp Kitchen, were present in the room. "Herr Prior commenced and accused me, gesticulating in a very

H1037-0080

insulting manner, saying I had taken the part of the Bolshevists in too apparent a way. He referred to the Law paragraphs of the Reich government which spoke against it. I was unfortunately not caring of the legal position, otherwise I would have left the confidence room immediately. I then tried to make it clear to Herr Prior, with special emphasis, that the Russian PSs were assigned to us as workers and not as Bolshevists. The people were starving and were not in a position to perform the heavy work with us in boiler making, which they were supposed to do. Sick people were a liability to us and not a help to production. This remark Herr Prior stated that if one was worth nothing, then
that the Bolsheviks were soulless people and if one hundred thousand of them die, another hundred thousand would replace them. On my remarking that with such a coming and going we would not attain our goal, namely, the delivery of locomotives to the railways which the Reich were continually cutting down the time limit, Herr Prior said "Deliveries are only a secondary importance here".

"My attempts to get Herr Prior to extend our economic needs were not successful. In conclusion I can only say that, as a German, I knew our relations to the Russian PWs exactly and in the a/m case I dealt only

H1037-0081

on behalf of my superiors and in the sense of the increase in production which is demanded from us."

Now, the first question I want to ask about that, is this: If prisoners of war were no concern of the D.A.F. why should Herr Prior and other gentlemen of the DAF in Essen be making a fuss about the food that they were receiving? You told me the DAF had nothing to do with the prisoners of war a minute ago.

A I shall stick to this answer. If in the case of Essen these gentlemen did bother about prisoners of war they did exceed their authority. Mr. Prosecutor, I should like to point out the sentence in the document, in which these people refer not to directives from the Labor Front, but to directives from the Reich government.

Q This is the DAF in Essen who are objecting to one of the Works managements in Krupp trying to raise a little more food for the starving Russian prisoners of war.

A If these people have bothered about the PWs, they have transgressed - have exceeded their authority; and secondly, directives from the Central office are different ones.

Q You say " if these people had bothered".... Perhaps you don't realize the original of this document was found in Essen, it is one of your German documents, there is no "if" about this question.

A I do not doubt the document, but it is customary to listen to the other side.

Q Secondly, can you explain to me how a member of your Labor Front with two others in attendance should refer to the Bolshevists as a soulless people, and if one hundred thousand of them die, another one hundred thousand will replace them?

A I cannot take a position toward the private statements of a DAF leiter.

Q These are not private statements. These are three representatives of the DAF acting in their official capacity, and I want you to tell me what they mean by saying that.

A I don't know what they mean by it, I don't know what someone else means by it.

Q You told us, you know, that the people working in Germany had more food, more calories, than even the ordinary workers.

A What I did testify to was that the one thousand calories was not extant during the war, was off the ration.

Q That does not sound, does it, that they were getting their official ration: "The people were starving and were in no position to perform their work of boiler making, which they were supposed to do.

A I do not say that it is possible. In such a great organization there always could be found a social element. The decisive factor, however, in judging the political leiter of the German Arbeits Front are the directives emanating from the competent authorities which directed not such treatment but just treatment.

Q The decisive factors are the way in which the DAF carried their work out, in the way of letters of this kind, was it not - where DAF men called Bolshevist men soulless people; that if one hundred thousand die another hundred thousan will take their place. That is decisive, is it not, in finding out how the DAF carried out their tasks?

A That is a statement by one of ten thousand of the DAF leiters.

Q It's a DAF leiter who happens to be in charge of a mere twenty thousand slave laborers.

A Mr. Prosecutor, you are in error. This is not the employment of the Krupp Work, but only one, Engineer's factory. May I ask something?

Q Yes.

A All the directives pertaining to the treatment of foreign workers emanating from the DAF are put together in booklet form which is called "Lagerfuehrer Sonderdienst". I am

H1037-0083



sure that the humane treatment is demanded again and again for reasons of the humanness as well as for efficiency reasons.

Q Well, we will leave that particular incident because you say that it was only that that was an exceptional case, by which your leadership witnesses have so many examples. I want to ask you about another document.

You will remember that it was the Gauleiter who was responsible for the inspection and control of Sauckel's orders for the dealing with the care and treatment of foreign workers. Now, you see that that document P S-205, which you have in front of you. That is a Party Chancery order issued to all Gauleiters, Kreisleiters, and Ortsgruppenleiters, in May of 1943. Will you look -- and you will see that there are paragraphs numbered 1 and 2, and then further down there are another paragraphs 1 and 2. I want you to look at the second one, that is not numbered, you will see that Bormann has found it necessary in 1943 to write around to all those political leaders saying injustices, thefts, trickery, mistreatment, must be discontinued. Punishment of beatings if forbidden. If it was only in the Krupp Works at Essen that foreign laborers were being insulted, and tricked, and mistreated, and beaten, it would not have been necessary, would it, to write around to all Gauleiters, Kreisleiters, and Ortsgruppenleiters in Germany?

A I said, Mr. Prosecutor, that every organization contains some bad individuals. I do not deny that some

H1037-0084

political leiters may have committed excesses. The leadership, however, was interested in removing every mistreatment, every unjust treatment. It is necessary if we consider the possible failures of mankind to again and again recall to them their obligations. We have one organization who shows us that such admonishments are very effective, and to demonstrate such -- the church which preaches again and again.

Q Yes, but you know the church doesn't find it necessary to write around or to preach that beatings, mistreatment, and trickery must be discontinued. Don't you think that it is remarkable in this twentieth centur that political leaders of Germany should require such instructions as that being sent around?

A Due to the tension between national socialism and bolshevism it is quite possible that some leiters were moved to excesses, but all the directive of the leadership require just treatment and came out against such cases. May I point out to you the reaction of foreign labor? They were very efficient, they aided in cases of bombings and fire damage, they produced well, there was practically no sabotage and a great part of them are still today inside Germany.

COL. GRIFFITH-JONES: No further questions.

THE COMMISSIONER: Any further questions?

BY COL. MALOV:

Q Are you acquainted with Hitler's "Mein Kampf"?

A Yes.

Q Did you agree that Hitler wanted to realize the task which he has outlined in his book?

A Not in all points.

Q But to a large part?

A I cannot say that it is to a large part; I can only say not to all points.

Q But his basic ideas remain constant?

A Which one of the constant ideas are you referring to?

Q Race theory.

A Yes.

H1037-0085

Q The extermination of all democracy?

A I have stated this morning that the Party program asked for an authoritarian Reich Parliament, his concept of democracy.

Q Aggressive wars?

A That Hitler wanted aggressive war, he never told his political leaders. We know his political aims from his published statements.

Q I refer to what it says in Mein Kampf. It says in Hitler's Mein Kampf that Germany wants to get back all those countries which used to belong to it long ago.

A Mr. Prosecutor, I refer you to the statement Hitler personally made to the French Ambassador. He said in many points, "my book is antiquated".

Q Did the DAF make propaganda?

A A socialistic propaganda.

Q National Socialist propaganda?

A German Conscience Socialist propaganda.

Q What is the difference between German Conscience Socialist Propaganda and National Socialist Fascist propaganda.

A I said I cannot know this difference because now after the war one says national is that which serves the people. I do not agree.

Q I am not interested in your philosophy. You did not answer my question. Is there any difference between German Conscience National propaganda, or national socialist, or rather fascist propaganda -- answer yes or no?

A I cannot say yes or no. We have confessed ourselves to national socialism.

Q Do you agree to my statement that for years the Labor Front has seduced German workers with such propaganda?

A The Labor Front has tried to win the work of National Socialism.

Q Do you see now that if German workers have bloodied their hands on women and children that is the consequence of the German Labor Front?

A No.

Q Don't you know that what the Germans did in the Eastern occupied territories was a direct consequence of the race theories?

H1037-0086

A But it was not a consequence of the social work of the German Labor Front.

Q The Labor Front has done such propaganda for years, or not?

A The propaganda of the Labor Front does not contain a word from which one may conclude to crimes against peace, war crimes, or crimes against humanity.

Q Did you, or did you not, in meetings during those years praise Hitler or not?

A Just like the rest of the German population, we have recognized Hitler as the Fuehrer.

Q Did the Labor Front fully support Hitler, always?

A Yes, within its area of work, and that was socialist work.

COL. ORLOV: No further questions.

THE COMMISSIONER: Do you have any redirect, Dr. Kraus?

DR. KRAUS: Two questions, sir.

THE COMMISSIONER: Very well.

BY DR. KRAUS:

Q Witness, are you convinced that the excesses in the Ruhr area mentioned by the prosecution here, and documented by them, were merely individual single cases?

A I am in a position to profess that the entire work of the DAF as a whole was a different one.

THE COMMISSIONER: That is not a redirect question, Dr. Kraus. He should have testified to that this morning. Proceed with your next question, Dr. Kraus.

DR. KRAUS: The question was caused by the cross-examination. It was brought out by the questions of the cross-examination.

THE COMMISSIONER: The witness testified that he was in a position to prove that the organization as a whole was not responsible for the things that happened. Let's go on with the next question, Dr. Kraus.

BY DR. KRAUS:

Referring to Document 205 which is Bormann's circular to Reich and Gauleiters pertaining to treatment of foreign workers. The defense [illegible]

H1037-0087

to submit this document especially in the document book. The witness being a representative of a large circle of political leaders of the DAF I am asking him:

Q Were the measures which were actually summary and not divided by individual events, by individual incidents, and which require strict and just treatment of foreign laborers... was this order actually executed by the political leiter of the DAF?

H1037-0088

4. In order to have the guaranty of the execution of this order the leiter of the DAF in addition to the competnent authority dealing with this matter has instituted a special central inspection in order to control, not only the factories but also the offices of the DAF.

DR. KRAUS: No further questions.

THE COMMISSIONER: The witness may be excused now. And for the purpose of the record as to the documents and charts submitted during this Commission period, the following organizations numbers are read into the record, as follows:

From Organization No. 1 to No. 19, inclusive:

ORG-1 Chart of the SS
Page 43 of Pohl transcript of 20 May 1946.

ORG-2 Affidavit of Alfred NAUJOCKS
Re manufacturing of explosives
Page 122 of transcript of 24 May 1946.

ORG-3 Affidavit of Alfred NAUJOCKS
SD Service Department
Page 105 of transcript of 24 May 1946.

ORG-4 SA Affidavit.
Exhibit No. 1
Page 303 of Boley transcript of 28 May 1946.

ORD-5 SA Affidavit.
Exhibit No. 2
Page 306 of Boley transcript of 28 May 1946.

ORD-6 Chart of the SA
Page 197 of Juettner transcript of 28 May 1946

ORG-7 D 43 Voting of Civil Servants.
Page 605 of Wendeborn transcript of 5 June 1946.

ORG-8 D/181 Law of Hereditary Health.
Page 609 of Wendeborn transcript of 5 June 1946.

ORD-9 PS 1969. Letter from Reichministry of Interior to Gausabsamsleiter Sellmer dated 31 Dec. 1940.
Page 611 of Wendeborn transcript of 5 June 1946

ORG-10 D 884 A - Employment of Foreign Nationals.
Page 615 of Wendeborn transcript of 5 June 1946.

ORD-11 PS 1629 Paris disturbances. Jewish question.
Introduced during the interrogation of witness Knocken.

ORG-12 D 901 and 901-A. Circular-Card Indices on Households.
Ecclesiastical question.
Introduced during the cross examination of withess Schneider.

ORG-13 Decrees, Orders, etc., Corps of Political Leaders.
Introduced during the interrogation of witness Wolf on 28 June 1946.

H1037-0089



ORG-14 Affidavit of Richard Mueller dated 29 June 1946.
Submitted during interrogation 2/7/46

ORG-15 Affidavit of Karl Hoderich.
Page 1056 of Hirt transcript of 14 June 1946.

ORG-16 Affidavit of Otto Ohlendorf.
Submitted during Ehlich interrogation of 4 July 1946.

ORG-17 Document re Press release.
Submitted during Bock interrogation of 9 July 1946.

ORG-18 Letter re special medical report from Camp physician Dr. Jaeger 18 August 1944, submitted during hearing of witness Hupfauer.

ORG-19 Letter re special medical report from camp shysician Dr. Jaeger, July 28, 1944, submitted during hearing of witness Hupfauer.

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The foregoing is a true and correct transcript of the testimony of THEO. HUPFAUER, taken on 11 July 1946.

Alice Meehan
Reporter

Charles J. Gallagher
Reporter

Bernice Winkler
Reporter

Evelyn M. Roberts
Reporter

Genevieve Bi[illegible]
Reporter

CERTIFIED TO: George R. Taylor
Commissioner